

## CHAPTER 6 — CLASSIFICATION

### ARTICLE 1 — RECEPTION CENTERS

*Revised October 31, 1990*

#### **61010.1 Policy**

PC 2900 provides that defendants sentenced to state prison shall be delivered to the custody of The Director at the place designated by the Director to serve the term of imprisonment ordered by the court.

#### **61010.2 Purpose**

This section establishes standard procedures for the orderly reception, processing and transfer of inmates into Department institutions.

#### **61010.3 Reception Center Processing**

CIM, CCI, DVI, HDSP, NKSP, RJD, SQ, WSP and CRC are designated to receive and process male felons committed to the jurisdiction of the Department.

CIW, CCWF, NCWF and VSP are designated to receive and process all female felons committed to the Department.

##### **Reception of Condemned Males**

Condemned male inmates shall be received and housed at SQ.

##### **Reception of Condemned Females**

Condemned female inmates shall be received and housed at CCWF.

##### **Reception of Civil Addicts**

Female and male civil addict commitments shall be received at CRC. Refer to the DOM 62100 for additional processing information.

#### **61010.3.1 Detention Processing Units (DPU)**

The purpose of the Detention Processing Units (DPU) is to expedite the processing of Parole Violator Return to Custody (PVRTC) cases through the reception center and is designed to provide a screening method based primarily on information in the C-File.

##### **61010.3.1.1 Detention Processing Unit Criteria**

DPU processing shall occur with inmates in PVRTC status whose last classification score level was I or II, or whose level would be I or II if a new CDC Form 840, CDC Reclassification Score Sheet were completed, and who were not confined to SHU or PHU or designated a Medical/Psychiatric Category within six (6) months of parole. In addition, inmates whose last classification level was III may be eligible if processed through a reception center with access to an approved Level III facility.

Inmates with a classification level of IV at the time of parole and inmates being transferred from reception centers to RTC/PC 2910.5 facilities shall not be processed by DPU procedures. Inmates not processed by DPU procedures shall be presented to a CSR for endorsement or to the reception center CC-III to approve RTC/PC 2910.5 facility placement via CDC Form 816, Reception Center Readmission Summary.

##### **61010.10.3.1.2 Completing the DPU Screening Form, (CDC Form 816a)**

The DPU Screening Form, CDC Form 816-A, Return to Custody-Detention Processing has two sections. Part A, the PVRTC Intake Interview section, shall be prepared by a CC-I within five (5) days of the PVRTC inmate's arrival at the reception center if the inmate is pending revocation or in post revocation status. The CC-I shall review the Cumulative Movement History Query (CMHQ) and exclude from further DPU processing all inmates who were confined to SHU or PHU or designated a Medical/Psychiatric Category within six (6) months of parole.

The intake interview shall be to confirm the information in the CMHQ with the inmate and update any enemy factors which the inmate contends may have changed since parole and to note any additional substantive case factors, such as medical/psychiatric concerns prior to completing the items on the form. The counselor shall mark the box indicating eligibility for RTC/PC 2910.5 facilities if the inmate paroled from a community correctional facility, camp, level I support facility or CIM-I. The CC-I shall indicate the type of processing required in the "Decision" section of Part A. If the inmate was confined to SHU or PHU or designated a Medical/Psychiatric Category within six (6) months of parole or identified a significant enemy situation or serious medical problem at the time of the interview, the reception center processing (by CDC Form 816) shall be indicated.

Custody staff shall be advised of any serious safety concerns and the need to evaluate for Temporary AD-SEG placement. In most other cases, the CC-I shall check "Continue DPU Processing". The DPU screening form shall be placed in the reception center's temporary (flimsy) folder and returned to the records office.

##### **61010.3.1.3 Case Records Responsibility**

When reception center records office staff receives the C-file, the temporary folder shall be placed in the classification section of the file. The C-file shall be placed in a location designated for DPU screening as soon as the BPT has revoked parole and assessed a revocation term and records office staff has calculated a release date and distributed the documents.

##### **61010.3.1.4 Completion of Form Part B, Status Report**

A CC-I may be designated to conduct preliminary screening, but completion of Part B, Status Report, including confirmation of case factors and transfer approval, shall be the responsibility of the reception center CC-III and shall not be delegated lower than a CC-II.

To ensure expeditious processing, Part B shall be completed within one working day of placing the C-file in the designated DPU location.

The items in this part are organized in the order that the information appears in the C-file, beginning with the Chronological History and ending with the Confidential Materials Folder. This form is a screening device rather than a document for information storage. Only record as much information as is necessary to decide whether to refer the case for CSR or RTC/2910.5 PC processing or continue with DPU procedures through institution approval.

The release date shall be posted in the space provided and an "X" placed in the appropriate box (RRD or PRRD) indicating credit earning status. If the date is within 30 days, no further screening is required and the inmate will parole from the reception center. The exact number of days is subject to change based on availability of reception center space.

If the inmate has sufficient time to serve, source documents shall be reviewed and special or exclusionary case factors listed. Place an "X" in the box next to the sources reviewed and any special or exclusionary case factors. In addition to the "X", circle any factors and their source which preclude continuing with DPU

processing. Make notations on the form if needed. Only one precluding reason need be documented. If a case factor indicates preparation of an Institutional Staff Recommendation Summary (ISRS) by a CDC Form 816 and referral to a CSR is required, the corresponding box in the "Refer to CC-I for CDC Form 816" section shall be checked and the case submitted to a CSR.

#### **61010.3.1.5 Institution Transfer Approval**

If there are no precluding case factors and the inmate is not eligible for a RTC/PC 2910.5 facility, the CC-III shall approve transfer to an institution authorized for DPU intake. The institution approved shall be noted on the form, using the accepted abbreviation for the institution and or facility, and on a "DPU action sheet". The completed action sheet shall be provided to the records office transportation desk with those C-files approved for DPU.

#### **61010.3.1.6 Return To Custody/PC 2910.5 Facilities Referrals**

At the time the Part B section is prepared, if there is a notation in Part A that the inmate appears eligible for a RTC/PC 2910.5 facility, the screener shall confirm that there are no apparent excluding factors. Once confirmed, the section "Refer to CC-I for CDC Form 816" shall be marked with the appropriate facility and the case referred to a CC-I for CDC Forms 816 and 812, Notice of Critical Case Information-Safety of Persons preparation and referral to the reception center CC-III or CSR for placement approval.

#### **61010.3.1.7 Documentation Required for Transfer in DPU Procedures**

Reception center staff shall ensure that cases processed by DPU and transferred to a program institution have:

- A completed CDC Form 816A with Parts A and B completed and filed in the classification section of the inmate's C-file.
- An updated CDC Form 812.
- A current CDC Form 128-C-1, Chrono-Medical Clearance/Restriction Information, Reception Center.
- A CDC Form 850, Detainer Summary, if appropriate.
- The case clearly distinguished as a DPU processed case on the CDC Form 135, Inmate Transfer Record.

No new CDC Form 840 or CSR endorsement on a CDC 128-G, Chrono-Classification, shall be required.

#### **61010.3.1.8 Responsibilities of Receiving Institutions for DPU Processed Cases**

The receiving institution shall ensure that custody/classification staff responsible for housing determination are familiar with the information in this section. Inmates processed by DPU procedures shall be evaluated for housing in the same way as other general population new arrivals. Housing determinations shall be based on a review of C-file information, including new documents prepared by the reception center.

DPU inmates within 30 days of parole or discharge shall not be scheduled for initial classification unless case factors warrant. The CC-I shall prepare a pre-formatted CDC Form 128-G, documenting that the inmate is within 30 days of parole and to be housed in general population, and unassigned on Work Group A-2, Privilege Group B until release on parole.

There are no changes in case preparation for initial classification of inmates who, at the time of CC-I review, are more than 30 days from parole. Correctional counselors responsible for preparing the cases of new arrivals shall review all relevant information in the C-file including the current reception center documents. In the absence of a CDC Form 816, the initial classification CDC Form 128-G shall update and document case factors, summarize criminal and institutional history and record committee actions.

#### **61010.3.1.9 Identifying DPU Inmates on Distributed Data Process System**

For both institution and Central Office tracking purposes, inmates processed by DPU shall be identified in the DDPS in the classification score section by the distinguishing numbers 601-604 depending upon status:

- 601 shall identify inmates with 30 days or less to parole.
- 602 shall designate eligible for RTC or PC 2910.5 facilities.
- 603 shall identify inmates approved for the general population program.
- 604 shall designate inmates in multi-level facilities eligible for lower level housing within the complex.

DPU inmates do not have classification scores or score levels.

#### **61010.3.1.10 Subsequent Transfer of DPU Processed Cases**

Inmates processed by DPU who need Medical/Psychiatric category, PHU or SHU placement, or whose change in case factors warrant transfer from the institution complex shall have a new CDC Form 840 prepared in the same manner as if received at a reception center as well as a CDC Form 128-G and an updated CDC Form 812 for submittal to the CSR. The institution placement recommendation shall be based on the new classification score or an administrative determinant. Transfer of inmates within the institution complex does not require the preparation of a new CDC 840.

#### **61010.3.2 Processing of Inmates Into Return-to-Custody Facilities**

The efficient and timely processing of inmates into RTC facilities requires the sharing of information, cooperation and coordination among the staff of Department institutions, paroles, and private vendors.

##### **Institutions' Function/Responsibility**

RTC inmates shall be processed from reception centers (RC), and program institutions. The sending institution will screen and approve inmate placement in RTC facilities per established facility criteria.

The approving entity shall be the CC-III/C&PR of the sending institution and may not be delegated below the CC-II level.

##### **Documents to be Forwarded**

Institutional records' staff shall prepare the CDC Form 135 and copies of the following C-file documents to accompany the inmate:

- Three photographs.
- BPT 1103 - current violation only - if applicable.
- CDC Form 120, Record of Inmate's Visits.
- CDC Form 112, Chronological Inmate History.

- CDC Form 188, Legal Status Summary.
- CDC Form 812.
- CDC Form 128-C-1.
- CDC Form 1521 A to D (current violation report).
- CDC Form 128G.
- CDC Form 816.

Institution records' staff shall update OBIS.

Institution records' staff shall forward the C-File, the day the inmate is transferred, to the regional records office having responsibility for the receiving facility.

Institution staff shall coordinate with the appropriate regional transportation unit regarding the number of inmates to be transferred and to schedule their movement.

#### **Regional Transportation Unit Responsibilities**

Regional transportation staff shall coordinate with the CC-III/C&PRs and RTC/2910.5 facility staff to ensure the timely movement of inmates to and from RTC facilities.

#### **RTC Facility Responsibilities**

Coordinate with regional transportation units and institution CC-III/C&PRs to ensure timely movement of inmates.

The receiving facility staff shall ensure a signed CDC Form 127, Notification in Case of Inmate Death, Serious Injury, or Serious Illness, and a release of information is obtained from each inmate at the intake interview.

The facility staff will ensure existing guidelines are followed for the return of inmates who are, or become, unacceptable for their program.

#### **61010.4 Reception Center Processing Staff - Responsibility**

Reception center staff shall collect social and criminal history information on each inmate received by the Department as well as interview and test all newly received inmates.

#### **Social History/Staff Reports**

The counselor shall complete an ISRS or CDC Form 816, CDC Form 812, CDC Form 839, CDC Classification Score Sheet, or CDC Form 840, and the Social Factor Sheet, all of which are explained in detail in DOM 61020 and 61030.

#### **Institution Gang Investigator (IGI) Referral**

The counselor, in conjunction with the IGI shall also complete a CDC Form 812-A, Notice of Critical Information - Prison Gang Identification, as required.

#### **United States Immigration and Naturalization Service Referral**

The counselor shall refer all foreign born inmates, including parole violators, to the USINS for deportation hold determination by completing a CDC Form 850.

#### **Psychiatric/Medical Referral**

Inmates shall be referred to psychiatric and medical staff as necessary for diagnosis, treatment, or recommendations.

#### **Inmate Orientation**

Reception center processing provides the inmate with an orientation to prison life, introduction to available programs and initial preparation for release.

#### **61010.5 Notification of Rules and Available Programs**

Within 14 days of arrival at a reception center, inmates shall be furnished written information concerning program availability for reduction of sentences as required by PC 2930. Inmates shall be issued a current copy of the CCR and treatment programs available at each institution.

#### **Prison Gang Involvement**

Inmates shall be advised that any involvement with a prison gang may result in segregated housing placement.

#### **61010.5.1 Documentation in C-File CDC Form 128-O**

Each inmate shall sign a CDC Form 128-O, Chrono-Document Receipt, indicating receipt of notification of rules and available programs. A copy of the signed CDC Form 128-O shall be placed in each inmate's C-File.

#### **61010.6 Withdrawal of Inmate Trust Funds**

Counselors involved in the processing of initial commitments to the Department and the readmission processing of parole violators or persons returned to the Department shall:

Determine if the inmate has or anticipates any outstanding debts or other financial obligations which may require funds be withdrawn from their trust account for transmittal to any business, agency or individual. This does not include withdrawals for purchases or for other payments/reimbursements to the Department, nor does it include any debt or financial obligation which will be met for the inmate by other means. A summary of this determination shall be noted on the CDC Form 825, Trust Withdrawal Case Information.

#### **61010.7 Reception Center Transfers**

##### **General**

Transfers from the reception centers shall be based on the recommendations of the counselor and supervising counselor, or classification committees subject to CSR approval.

#### **61010.8 CDC Form 839, CDC Classification Score Sheet, and 840, CDC Reclassification Score Sheet**

Classification and reclassification of inmates will normally be made pursuant to the CDC classification scoring system except when in the exercise of the discretion and judgment of departmental officials it is deemed necessary to depart therefrom in individual cases. Such departures from the system shall be made for the purpose of ensuring the safety of inmate(s), correctional personnel, the general public as well as for special institutional and/or programming needs.

Refer to DOM 61020.16 for instructions on completing the CDC Form 840.

A CDC Form 839, Classification Score Sheet shall be completed on each newly received felon. It shall also be used to correct computer data when an item on the original CDC Form 839 needs to be changed. For example, it shall be used to remove points for undocumented prior incarceration behavior (Item II.B.5.) and add points for prior incarceration behavior (Items II.B.1. through II.B.4) on the original CDC Form 839 when adequate documentation of behavior is received after the initial CDC Form 839 was completed. For information on how to correct items on the CDC Form 839, see "Correcting Errors on the CDC Forms 839 and 840" DOM 61020.18.

A CDC Form 840, shall be completed on each returned parole violator, escapee or work furlough failure, unless determined to be eligible for processing with DPU Procedures, DOM 61010.3.1.

#### **61010.9 Procedures**

##### **The Counselor**

The counselor shall review all relevant documents available during the reception center process to complete the score sheet. Since the total score usually determines the institution to which the inmate will be assigned, it is extremely important that the information considered be as complete as possible.

In the process of completing the CDC Form 839 or 840, the counselor shall interview the inmate. In the interview the inmate shall be informed of the nature and purpose of the CDC Form 839 or 840 and allowed to verbally contest specific item scores and other case factors on the form. Items for which documentation is absent or conflicting shall be discussed during the interview. The inmate shall be responsible for providing documentation to support his or her challenge of information on the CDC Form 839.

The counselor shall make an effort to secure verifiable documentation of all items on the CDC Form 839. The Probation Officer's Report (POR) is the document of choice when information conflicts; the POR is reviewed by legal counsel and the court and contents may be challenged in court.

Credit shall be given only upon verifiable documentation. Credit shall not be given based solely on the inmate's statement.

Staff are responsible for initiating a corrected CDC Form 839 or 840 when the inmate or other party presents verifiable documentation which supports the change. When such a change results in a different score level, the inmate shall be referred to the appropriate classification committee and subsequently to a CSR.

##### **Reflects the Inmates Status at Time of Reception**

The CDC Form 839 score reflects the inmate's status at the time of reception and, apart from correcting errors of fact, remains the same during incarceration. During incarceration the inmate will have ample opportunity to earn behavior credits (documented on CDC Form 840) to lower the total classification score.

After the counselor has completed the CDC Form 839 or 840 and other case summary material and printed his/her name in the appropriate boxes on the form, the CDC Form 839 shall be reviewed by the supervising counselor for accuracy and completeness. Following this review, the supervisor will print his/her name in the appropriate boxes prior to presenting the CDC Form 839 to a CSR.

#### **61010.10 Distribution of Copies/C-File Placement**

The CDC Form 839 shall be temporarily attached to other documents prepared by the reception center staff and placed in the classification portion of the C-file when presented to a CSR as described in DOM 61030. Following CSR action the original shall be permanently placed in the classification section of the C-file, a copy of the CDC Form 839 shall be provided to the inmate and the computer copy shall be sent to:

Department of Corrections  
Information Quality Support Section  
P.O. Box 942883  
Sacramento, CA 94283-0001

The copy shall be reviewed for legibility and mailed within five working days.

When the CSR action is successfully appealed, submit the first CDC Form 839 and record the second CSR action on another CDC Form 839 as a correction to the first, using the standard correction procedure.

The permanent location of the CDC Form 839 file copy is in the classification section of the C-file.

#### **61010.11 CDC Form 839 Instructions**

The CDC Form 839 shall be written on a hard surface with ball point black ink pen only. Do not use pencil, or felt, fiber, or other soft tip pens. This is required so that the printing will come through clearly on the self-carbonized copies. The Information Quality Support Section cannot accept items which have been erased or marked over to correct because the copies will not be legible. Errors detected before copies are distributed must be corrected by destroying the erroneous form and completing a new CDC Form 839.

Key data entry operators only read those letters and numbers which are inside the boxes on the form. Therefore, underlining and notations in the margins are permitted.

For those items where events are counted (escapes or serious disciplinarys), note under that item the date and place of each event counted. For example, if giving eight credits for prior minimum custody, write "1982 CIM".

Do not write more than one letter or number in each box.

Letters must be PRINTED, CAPITAL BLOCK style. Do not use lower case or written script letters. Letter boxes are to be left-hand justified; that is, start the word at the box furthest to the left and end with any empty boxes on the right.

##### **Right Hand Justified**

Numbers are to be right-hand justified; that is, end in the box furthest to the right with any empty boxes on the left. The most common problem is zeros that look like sixes, and vice versa, so take special care making these two numbers.

Except as noted in these instructions, any unused letter or number item is simply to be left blank.

The identifying information contained in the first section of the CDC Form 839 is taken from the CDC Form 188, and the CDC Form 112. For the remaining items, other documents such as the POR, must be reviewed.

#### 61010.11.1 Identifying Information

##### CDC Number (Boxes 1 Through 6)

This information is obtained from the CDC Form 188. The box to be completed is located at the bottom of the CDC Form 839 and is the first item to be completed.

Enter the letter prefix (such as C, D, or W) in box 1 and the numbers in boxes 2 through 6, always ending in box 6. Be certain not to enter the letter in the number boxes.

D-27854

D	—	2	7	8	5	4
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##### Inmate's Last Name (Boxes 7-14)

Enter the first eight letters of the inmate's last name using PRINTED, CAPITAL BLOCK letters. If the name consists of more than eight letters, simply omit the remaining letters. For names with less than eight letters, leave empty the remaining boxes to the right. If the last name is two words, run the words together and do not leave an empty box in between.

Mac Knight

M	A	C	K	N	I	G	H	T
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##### Reception Center (Boxes 15-20)

Enter the three-letter abbreviation of the reception center in the boxes. Reception center refers to the facility where the case is presented to a CSR for placement. Inmates may go through a reception center but actually be processed at an institution. Also, out-of-state inmates may be delivered directly to an institution. In such cases, enter the abbreviation for the institution where the processing takes place.

##### Race/Ethnic Status (Boxes 21-23)

Enter one of the codes listed on the form which corresponds to the inmate's race as indicated on the CDC Form 188. If the CDC Form 188 indicates a combination race, use the first race noted.

##### Year of Birth (Boxes 24-25)

Obtain from that part of the CDC Form 188 labeled "Birthdate". Enter the last two digits of the inmates birth year. Do not use age.

5-13-55

5	5
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##### Date Received Department (Boxes 26-31)

Obtain the date last received from the CDC Form 188. Enter this date in the boxes.

	7	—		1	—	8	7
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##### County of Commitment (Boxes 32-36)

Obtained from the CDC Form 188. Use the first county if more than one county of commitment is indicated. Enter the first five letters of the county name in the boxes available.

Fresno County

F	R	E	S	N
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For those counties with two- or three-word names (e.g., San Diego, San Luis Obispo) enter the first letter of the first name, then the first four letters of the second name.

San Diego County

S	D	I	E	G
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San Luis Obispo

S	L	U	I	S
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When an inmate is being kept for another state, enter the state's name using the same rules as for entering the county name.

State of New Mexico

N	M	E	X	I
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For inmates from federal prisons enter:

F	E	D	E	R
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### Base Offense (Write In Space)

Sentencing offenses are listed on the CDC Form 188. Enter the abbreviation listed. If the offenses are too numerous, enter the most serious.

Base Offense

Example: Robb/F-arm/GBI

### Base Offense Code and Number (Boxes 37-43)

The code section number and abbreviation of the California Code title appears to the left of the offense description on the CDC Form 188. Enter the single letter abbreviation of the code title in box 37. For example, "P" for Penal Code, "V" for Vehicle Code, "H" for Health and Safety Code.

Next, enter the code section number so that the last number ends in box 42 and any empty box appears to the left. If it is a code where the basic number exceeds the five boxes, leave off the first or second number. Do not run the numbers into box 43.

Box 43 is reserved for those code numbers which are followed by a period and then a letter or another number, or a letter or number in parentheses. Enter any letter as a capital.

Where the crime is "attempted" or "conspiracy to", there will be two sets of numbers. Use the number which refers to the base crime. For example attempted robbery is entered as P-211.

For example, assault with a deadly weapon appears on the CDC Form 188 as "P245(A) ASLT W/D WEAPON". It is entered on the CDC Form 839 as:

P	—			2	4	5		A
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Where the base offense has been enhanced (such as for use of a weapon or causing great bodily injury), an additional set of corresponding Penal Code numbers will appear below the offense description. Be careful not to use these enhancement numbers.

When there is more than one crime, enter the most serious. This will be the offense with the longest term and typically appears as the first count under the controlling offenses.

## 61010.11.2 Calculation of Score

### Background Factors

Current term of incarceration.

- Length of term (write in space).
  - Enter the years and months as they appear next to "Total Term" on the CDC Form 188. It is important to complete this section for all inmates, even if it is clear that their term points will exceed the maximum points described under item "C" because subsequent adjustments to term points will be based on the term listed here. In calculating the Length of Term do not subtract presentence and postsentence credits for time served prior to CDC custody.
  - For inmates with a sentence of death or life without possibility of parole, write "death" or "life w/out" in the space after Length of Term, skip the calculations below, and enter 59 in boxes 47-48.
  - For inmates with a sentence 25-years-to-life for first degree murder, use a base term of 25 years. For habitual offenders sentenced under PC 667.7 with a term of life without parole for 20 years, use a base term of 20 years. For all other life sentences, use a base term of 15 years (including second degree murder with 15-years-to-life, first degree murder before November 8, 1978, and certain types of kidnap, train-wrecking, exploding a destructive device, habitual sex offender, aggravated assault by a life prisoner, and assault or attempted murder of a government official). When the BPT sets a base term for these inmates their term points will be adjusted accordingly with a CDC Form 840.
  - Any enhancements or determinant terms for other counts or offenses which are to be served consecutive to a life term are to be added to the base term for the life term before calculating term points.
- Term in years, minus 1 (write in spaces).
  - Subtract one year from the term, convert to whole years and fractions (rounded to nearest 1/3 year) and enter the result in the spaces. Multiply the result by three and enter in the space to the right.

### Boxes 44-45

- Enter total term points (boxes 44-45).
  - If the sentence points equal 59 or more, enter 59. For example, an inmate with 25-to-life for first degree murder gets a term length of 25 (item 1.a) minus one year, which multiplied by three yields 72 points. However, only enter 59 points.
  - If the length of term is one year, leave the boxes empty as subtracting the year will leave nothing remaining.

### Stability

The next five items are commonly used in the criminal justice system to predict the offender's likelihood for conforming to legal expectations in the future. Department research has also shown the association of these factors with disciplinary problems and escapes. The underlying concept is the extent to which the individual has demonstrated that they can make social commitments and conform to rules enough to meet these commitments over a significant period of time.

These items are negative statements so that when more instability is present, more points are given. Thus, enter two points if the statement is true of the individual.

### Box 46

- Under 26 years at reception (box 46).
  - One method of determining how to score this item is to start by subtracting 26 from the current year, resulting in the year after which anyone born is under 26. For example, if it were currently 1987, 87 minus 26 equals 61. In other words, any inmate born after the year 1961 would be less than 26, and should be assessed two points for this item. For inmates born in 1961 scoring would depend on the month of reception and birth.

**Box 47**

- Never married or marriage/common-law not intact for 12 months prior to reception (box 47).
  - Assess points if inmate is not legally married or maintaining a stable common-law relationship prior to incarceration. Count as married or common-law only if the inmate has cohabited and assumed some marital responsibilities for at least one year prior to the time of incarceration. Points shall not be assessed if a stable marriage was terminated by death of the spouse unless the spouse was killed by the inmate.

**Box 48**

- Not high school graduate or GED (box 48).
  - Do not assess points if the inmate is a high school graduate or if the inmate earned a diploma or GED during a prior incarceration. Also do not assess points for any inmate who has earned a diploma from a recognized trade school, college, university, or other post-secondary institution, or passed a state high school proficiency exam.

**Box 49**

- Not more than six months with one employer, and not primary role maintaining household (box 49).
  - Do not assess points if self-employed and providing a regular legal livelihood. Do not assess points if employed with seasonal work or more than one employer if that is typical of the industry, such as construction. Treat military service as employment. Do not assess points if employed part-time while attending a full-time school program. Treat those whose work is the primary role of maintaining a household (homemaker) as employed if responsibilities were equivalent to a full-time occupation.

**Box 50**

- No military service or not honorable discharge (box 50).
  - Do not apply this item to female inmates.
  - Do not assess points if inmate received an honorable discharge or a lesser discharge where a substantial part of the military obligation was served and it is probable the discharge can be upgraded to honorable. Do not assess points if still enlisted in the National Guard or Reserves. Military service for a foreign government is acceptable.

**Prior Escapes**

- Prior Escapes (boxes 51-56).
  - Do not count failures to return from work furlough regardless of whether or not it results in a serious disciplinary for escape or is referred to a DA for prosecution. Do not count failure to return from temporary community leave, unless the inmate was escorted at the time. Do not count failure to return to a military base (simple AWOL).
  - Do not count juvenile runaways from group or foster homes. Do not count runaways where the inmate, as a juvenile, was a dependent/status offender rather than placed under a criminal petition. For example, do not count if the offense was truancy or beyond parental control; do count if the offense was burglary or grand theft auto.
  - Include a runaway from any juvenile placement, under probation status, in a privately managed institution (such as Boy's Republic) where such an act typically violates a condition of probation.
  - Do not count any escape which occurred ten years prior to the current reception date and the inmate has not been incarcerated for at least five of these years; or at least one full incarceration year was served successfully in minimum custody after the escape occurred.
  - If the inmate escaped during the last incarceration, points are assessed under Prior Incarceration Behavior (items II.B.1. through 6.) and are not counted here. For example, if escape is the commitment offense it occurred during the last incarceration and, therefore, is counted as four points under item II.B.1.a.) and eight points under item II.B.1.b.) but no points are assessed under item II.A.3.
  - All other escapes and well-documented attempted escapes shall be counted. This includes walkaways from juvenile halls or county probation camps and escapes from a courtroom while in transport or from any other situation where the inmate was booked and under custody of a peace officer.
  - If it is not clear what the custody conditions were from which the inmate escaped, treat the escape as a simple walkaway or escape from minimum custody (item 3.a.). For example, if the POR indicates the inmate escaped from juvenile hall but does not indicate whether or not the facility had a secure perimeter, give four points for a "Walkaway/Minimum Custody Escape".
  - To complete this item, review the POR, the CI&I SSCH Report and other relevant incarceration records.
  - Enter dates and places of each escape counted in space provided below each item.

**Boxes 51-52**

- Number of walkaways/minimum custody escapes (boxes 51-52).
  - Refers to the typical escape where the inmate is in a minimum custody situation without a secure, armed perimeter, waits until no one is looking and runs off. For example, escapes from camp or from an outside work crew without continuous supervision.
  - Count the number, multiply by four points and enter the total in the boxes.

**Boxes 53-54**

- Number of breached perimeter/medium custody escapes (boxes 53-54).
  - Include escapes and well-documented attempts from within a facility with an armed and secure perimeter. For example, security is breached from inside by cutting through fences, hiding in a trash truck, posing as a visitor.
  - Count the number, multiply by eight points and enter the total in the boxes.

**Boxes 55-56**

- Number of Escapes With Force (boxes 55-56).

- Includes escapes or attempts where the threat of force, or a hostage, is used. It appears on various legal documents as "escape with force" versus other escapes which are listed as "escape w/o", indicating without force. Do not confuse the two types.
- Count the number, multiply by 16 points and enter the total in the boxes.
- Total background factor score (write in the space).
- From the bottom, add up the points assessed for items 1.-3. and place a tentative total beside box 44. Then beginning at the top, total the same numbers. If the totals are the same, enter the sum on the line provided.
- If the inmate has no prior incarcerations of 31 days or more, skip items II.B.1. through II.B.6. and enter total background factors score in boxes 119-121 for total classification score (Item III.A.8.). Otherwise, continue with items below.

### **Prior Incarceration Behavior**

The first two sets of items (II.B.1. and B.3.) review the person's prior adjustment to incarceration. The last item (II.B.5.), Undocumented Prior Incarceration Behavior, is intended to be used in lieu of actual behavior information when adequate documentation is not available. This item is to be completed only if no entries are made in II.B.1. or B.3. The underlying concept is that the best single indicator of how the person is likely to perform during the current incarceration is the person's behavior during prior incarcerations. It is important, therefore, that as much accurate information as can be collected during the processing period be reviewed and included. However, if the person served prior terms but adequate documentation of behavior is lacking (for example, where records from counties, other states or federal prisons are delayed or unavailable), the existence of prior incarceration is a substitute indicator of future incarceration behavior. The prior incarceration behavior items are organized so that incarceration behavior, either favorable or unfavorable, is given first consideration. Inmates with prior incarcerations are penalized only if they have a record of unfavorable behavior or their behavior is not adequately documented.

### **Information Unavailable**

If the person has prior incarcerations but adequate documentation of behavior is unavailable, skip II.B.1. through B.4. and complete II.B.5. Should behavior information become available at a later date these items shall be corrected with the 839 by deleting any points assessed for Undocumented Prior Incarceration Behavior (II.B.5.) and assessing appropriate points in Unfavorable and Favorable Prior Behavior (II.B.1. and B.3.).

If behavior during the last incarceration is not documented but documentation exists for earlier terms served, assess points for Unfavorable Prior Behavior (item B.1.) and award credits for Favorable Prior Behavior (item B.3.) based on the documented behavior, rather than assessing points for Undocumented Prior Incarceration Behavior (item B.5.). When behavior items refer to "last incarceration" or "last incarcerated year", ignore the undocumented term and assess points or award credits for the documented behavior from the previous incarceration or incarcerated year.

The information used shall be obtained from prison institution records, CYA ward files, CDC archives, serious disciplinarys (CDC Forms 115, Report of Rules Violations), CDC Form 103B, Inmate Record Card, custody/assignment records, and similar documents from other correctional agencies. The POR and CI&I SSCH shall also be reviewed for any indication of disciplinary problems while incarcerated.

### **Include All Behavior**

Any prior incarceration behavior which meets the definitions below, up to the time the person actually completes processing are to be recorded here. Prior Incarceration Behavior includes any behavior prior to the completion of current processing, including behavior while in the county jail, while awaiting sentencing, during transportation or during processing in the reception center. Behavior while incarcerated in other correctional agencies, such as county jail, juvenile hall, or federal prison, which meets the criteria in items a. through h. shall be counted. The documentation must establish that the inmate was determined to be guilty of conduct described as a serious disciplinary in CCR (15) 3315. Such behavior may be documented by means other than a CDC Form 115. For example, an assault on another inmate in jail will be documented by a report from the sheriff.

Favorable behavior credits earned after processing is completed shall be computed at the receiving institution.

Enter the dates of every occurrence which is counted as unfavorable prior behavior in the space provided under each item.

### **Boxes 57-72**

- Unfavorable prior behavior (boxes 57-72).
  - Number of serious disciplinarys last incarcerated year (boxes 57-58).
  - If the disciplinary problem occurred in the Department, it will typically be documented on a CDC Form 115.
  - The type of disciplinary, administrative or serious, is noted in a box on the middle left-hand side of a recent CDC Form 115. On an older CDC Form 115, the type of disciplinary may be listed in the upper right-hand corner.
  - A single disciplinary problem may result in the assessment of points under several different categories, depending on the severity of the unfavorable behavior. For example, physically assaulting another inmate while inciting a disturbance, if it occurred in the last year, would be counted in three different categories (items II.B.1.a., d., and g.).

### **Number of Serious Disciplinarys**

- Count the number of serious disciplinarys, or their equivalent, for which the inmate was found or plead guilty occurring in the last 12 months of incarceration, multiply by four points and enter the total in the boxes. If the last period of incarceration was not a full year, review the term prior to that for the remaining months. In other words, this refers to the last 12 months of custody, not the last 12 months elapsed up to the release date. The same rule applies if all or part of the last incarcerated year was in another jurisdiction.
- Next, review the content of all serious disciplinarys for which the inmate was found or pled guilty and enter those which occurred during any prior incarceration if they meet the definitions below in items b. through h., regardless of when they occurred.
- Number of Escapes
- Number of escapes in last incarceration or escape is current commitment offense (boxes 59-60).
- Do not count if the escape occurred more than ten years before the current reception and there has been a period of five or more years of continuous incarceration free behavior. Also, do not count if the last 12 months or more of the last term was served in minimum custody. Do not include failure to return from work furlough regardless of whether or not it resulted in a CDC Form 115 for escape or was referred to a DA for prosecution. Do not count Temporary Community Leave, unless the inmate was under escort at the time. Include if the escape is part of the current commitment offense from the county.
- Include well-documented attempts to escape.



- Count the number, multiply by eight and enter in the boxes.

#### **Number of Physical Assaults**

- Number of physical assaults on staff (boxes 61-62).
  - Include any well documented physical assault, or attempt, which occurred during any prior incarceration. Do not restrict to the last incarceration.
  - Physical assault means any offense of the type described in CCR (15) 3005(c), "Force and Violence." Physical assault does not include offensive touching or simple battery where there was no apparent and present ability to inflict injury. For example, do not assess points for throwing a liquid at a staff person unless the liquid was caustic and therefore capable of inflicting injury.
  - Count the number, multiply by eight and enter in boxes.
- Number of physical assaults on inmates (boxes 63-64).
  - Physical assault means any offense of the type described in CCR (15) 3005(c). "Force and Violence. Physical assault does not include offensive touching or simple battery where there was no apparent and present ability to inflict injury."
  - Do not include mutual combat where both inmates were responsible. Refers to situations where one or more inmates are clearly the victim. Usually results in some injury involving a group attack or some type of weapon.
  - Count the number, multiply by four and enter in the boxes.

#### **Number of Smuggling/Trafficking Drugs**

- Number of smuggling/trafficking drugs (boxes 65-66).
  - Do not count a disciplinary determination in which the inmate was found or pled guilty of possessing a small quantity drugs for personal use or is under the influence. Refers to inmates who are involved in an operation to smuggle drugs into a jail or institution for distribution and sales.
  - Count the number, multiply by four and enter in the boxes.

#### **Number of Deadly Weapons Possessions**

- Number of deadly weapons possessions (boxes 67-68).
  - Include only well-documented instances of manufacturing or possessing a deadly weapon where apparent use is intended. Do not include possession of commonly available and unmodified objects unless they are used as weapons and this fact is documented in a disciplinary hearing process. For example, hobby craft tools, common shop tools and baseball bats are not considered deadly weapons unless their use, or intent for use, as such is clear.
  - If the incident was within the past five years (60 months) of the reception date, it shall be weighted double by giving eight points. Indicate the date of the incident under the item.
  - Count the number, multiply by four or eight and enter in the boxes.

#### **Number of Inciting Disturbances**

- Number of inciting disturbances (boxes 69-70).
  - Include any willful and deliberate behavior which might lead to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in CCR (15) 3005. Typically, this involves a leadership role in an institution riot, racial disturbance, or work strike.
  - Count the number, multiply by four and enter in the boxes.

#### **Number of Assaults That Caused Serious Injury**

- Number of assaults that caused serious injury (boxes 71-72).
  - Include if the assault caused injury, the extent of which are life threatening in nature and require hospital care or cause disability over an extended period (medical attention beyond first-aid or treatment and release). Include inmates who conspired in, or ordered such an assault and any attempts which may have been life threatening but the circumstances, such as heavy clothing, prevented the homicidal intent from being accomplished.
  - Count the number, multiply by 16 and enter in the boxes.
- Total Unfavorable Points (write in space).
  - Total the points for item 1.a. through h. above.

#### **Favorable Prior Behavior**

Ensure that the credits granted correspond to the number and length of sentences served. For example, it is unlikely that anyone with only one local sentence will earn one year of credit because such terms for 12 months or more are rare.

#### **Box 73**

- No serious disciplinaries last 12 months of incarceration (box 73).
  - Credits are not given unless the combined periods of incarceration equal 12 or more months without a serious disciplinary for which the inmate was found or pled guilty. Persons with documentation on their prior year of incarceration must either receive credit for no serious disciplinaries or have points assessed under item II.B.1.a. above.
  - Enter four points credit in the box if the inmate meets the criteria.

#### **Box 74**

- Successfully completed at least 12 months of minimum custody in last incarceration (enter eight points in box 74) or successfully completed at least four months of minimum custody or four months of dormitory living during last incarceration (enter four points in box 74).

- The inmate shall have successfully finished his or her last incarceration and have been in that status for the designated months in order to receive credits. "Success" is defined as termination for a reason other than a disciplinary action.
- Combine shorter periods of good adjustment to incarceration. For example, award eight points if the last three incarcerations were completed successfully in local minimum custody, and in combination the time served exceeds 12 months. Include short periods of incarceration for parole revocation prior to 10-1-87.
- CRC shall count as dormitory living. All facilities at CIM minimum shall be considered dormitory living.
- Do not count interruptions to higher custody assignments which are not the fault of the inmate, such as out-to-court or found not guilty after a disciplinary investigation. Count the period of interruption as if it were a continuation of minimum custody or dormitory living.
- Inmates who are living in converted dayrooms and other spaces in a cell block or wing, in a Level III facility, will not be given credit for dormitory living.
- Determine if either the four or eight point criteria in b. applies. If both criteria apply, give eight points credit; do not combine the two statements into 12 points. Enter the appropriate credits in the box.

#### **Box 75**

- Average or above performance in work, school, or vocational program for last incarcerated year (box 75).
  - Combine part-time assignments which taken together are equivalent to a full-time assignment. Combine shorter periods of participation in programs which add up to a full year. Award credit if the inmate's performance was rated "average or above", as noted on the CDC Form 101, Work Supervisor's Report; or CDC Forms 128-D, E, and F, Education Chronos. Grant credits for documented performance in programs while incarcerated in other correctional agencies. For example, grant credits where a good program earned a CYA ward an early release in 11 months rather than 13.
  - No credit shall be given for the lack of a program, such as being medically unassigned.
  - If the inmate meets the criteria enter four points credit in the box.
- Total Favorable Credit (write in space).
  - Total the credits for II.B.3.a., b., and c., above and enter here. Note that these credits are a minus value.

#### **Undocumented Prior Behavior (Boxes 76x-76)**

- Undocumented Prior Incarceration Behavior (boxes 76x-76).
  - Complete this item only if the inmate has prior incarceration of 31 or more days and documentation of incarceration behavior is inadequate to assess points or credits under items II.B.1. and B.3. It is very important to cross-reference these items to make sure that II.B.5. is left blank if anything is entered in any of the boxes for II.B.1. through B.4. Otherwise, count the number of incarcerations of 31 or more days was served for a criminal conviction in a state or federal adult facility, state or federal facility for juvenile delinquents, local adult or juvenile facility, military stockade or disciplinary barracks, or mental hospital (including those previously sentenced under Mentally Disordered Sex Offender laws). Multiply the number of such incarcerations by four and enter the total, up to a maximum of twelve points, in the two boxes numbered 76x-76.
  - Exclude any juvenile term which is for an offense which would not be a crime if the inmate were an adult at the time (i.e., do not count status offenders) and any juvenile placement in a group home or foster care home.
  - Exclude pretrial detention unless the inmate was given credit for the time against an actual sentence of 31 days or more.
- Total prior incarceration behavior score (write in space).
  - If points were assessed under item II.B.1. or credits awarded under II.B.3., subtract the total favorable credits (II.B.4.) from the total unfavorable points (II.B.2.), and enter the result in the space provided for total prior incarceration behavior score (item II.B.6.). Indicate whether this total is a plus or minus value. For example, if there are no unfavorable points and eight credits (for average or above performance in a program and no serious disciplinaries) the total is "- 8".
  - Conversely, if four points were assessed in II.B.5., and no points or credits were entered in II.B.1. or B.3., enter "+4" in the space provided.
  - If no points were assessed under items II.B.1. through B.5. enter a zero in the space provided for total prior incarceration behavior score (II.B.6.).

#### **61010.11.3 Placement**

##### **Special Case Factors**

This section provides a place to identify inmates with case factors which mitigate for or against a transfer to certain institutions. It alerts the CSR to special considerations.

Complete this section for every inmate regardless of whether or not the inmate will be placed according to their score levels. It is especially important when requesting a level placement that differs from that indicated by the inmate's score alone.

#### **Boxes 77-80**

- Medical Restriction (boxes 77-80).
  - If the inmate is not camp eligible, use the codes listed below to indicate the inmate's medical condition with respect to ability to work. The code selected should reflect only the inmate's medical qualifications for work, regardless of their eligibility under the work/training incentive program or their classification score. This information should be obtained from the CDC Form 128C, Medical, Psych, Dental Chrono.
  - FULL - Medically eligible for full-time work assignment but not in a camp.
  - REST - Medically restricted from certain types of jobs or limited to light duty work.
  - UNAS - Unassigned because of medical reasons.

#### **Boxes 81-82**

- Holds, Detainers, and Warrants (boxes 81-82).

- Check all relevant documents and the section for holds in the C-file. This item requires careful evaluation regarding the seriousness of the hold and the likelihood that the jurisdiction will exercise the hold at the end of the sentence. The importance of the hold for classification is the extent to which the prospect of an additional term to serve may motivate the inmate to escape.
- If one or more active holds exist, enter an "A" in the appropriate box for felony or immigration/naturalization holds. If no active hold exists, but circumstances indicate a hold is likely, enter a "P" in the appropriate box.
- Code only those holds which are likely to result in an additional prison sentence, or deportation. Exclude simple holds for probation or parole violation where the commitment offense is the basis for the violation.

#### **Box 83**

- Restricted Custody Suffix Required (box 83).
  - Enter an "R" in box 83 if a restricted custody suffix has been applied pursuant to DOM 62010.

#### **Box 84**

- Category or Special Housing Recommendation (box 84).
  - Enter the appropriate letter designation for any inmate you are recommending for assignment to a medical or psychiatric treatment category pursuant to DOM 62080, or a special housing category pursuant to DOM 62050. The appropriate letter designations for categories or special housing are:

"H"	Acute Medical Inpatient.
"N"	Convalescent Medical Inpatient.
"O"	Outpatient Medical.
"I"	Inpatient Psychiatric.
"J"	Partial Care Psychiatric.
"K"	Supportive Care.
"X"	Psychiatric Diagnostic Program.
"T"	Psychiatric Milieu Outpatient.
"U"	Psychiatric Recovered.
"B"	Effeminate Homosexual.
"P"	PHU.
"S"	SHU.

#### **Boxes 85-93**

- Other Placement Concerns (boxes 85-93).
  - Enter any applicable codes, consisting of the first three letters of the factors listed below, in the three spaces provided on the form beginning with the most important in the first three boxes. If there are more than three other factors present, select those most important factors for a CSR to consider. In selecting the most important factors, give priority to custody and safety concerns over program. The offense for which "R" custody is designated may be entered but do not repeat other special case factors.

#### **Special Case Factors List**

AGE. Inmate's youthfulness, immaturity, or advanced age should be given strong consideration in placement or program decisions.

ARSon. Present or prior conviction for arson limits where the inmate may be placed.

BEHavior okay. Inmate's behavior record indicates he or she is capable of successful placement at an institution level lower than that indicated by his or her score. Not to be used if the inmate is housed at a level higher than his or her score.

CAMp. Placement due to a shortage of camp qualified inmates.

DEAth sentence. Inmate was formerly on death row or currently is sentenced to death.

DEPartmental review board. Special placement ordered by the Departmental Review Board.

DISciplinary history. Inmate has a history of chronic serious disciplinary problems, documented on CDC Form 115's, or threatens the security of the institution.

ENEmies. One or more persons under jurisdiction of the Department has been documented on a CDC Form 812 as an enemy. This should also be used when victimization is very probable due to case factors, such as where the nature of the offense will very likely create an enemy situation at certain institutions. Includes current PHU cases and those who are natural victims because of their appearance or commitment offense.

ESCApe potential. Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his or her score. For example, the inmate verbalized an intent to escape but has a low score.

FAMily ties. Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.

GANG involvement or affiliation. Documentation establishes that the inmate's gang association requires special attention or placement consideration.

HOLD or detainer likely to be exercised.

LEWd and lascivious acts. Inmate has a history or prior incidence of lewd and lascivious acts which may require restricted custody or placement decision. Include child molestation.

LIFe sentence. Inmate is serving a life sentence and requires application of policy for placement.

MEDical. The inmate's medical condition requires treatment or continuing medical attention not generally available at all facilities.

ORAl copulation. Inmate has a history or prior incidence of oral copulation which may require restricted custody or placement decision.

OUT-to-court. Inmate needs to be housed in a particular facility in order to be close to a court jurisdiction where the inmate is required to testify in court or is being prosecuted. Includes situations where involvement in a court trial is anticipated because a disciplinary has been referred to the DA. Also, use this designation when a board appearance is imminent.

POPulation pressures. To be used by CSR only. No beds presently exist at the level of institution indicated by score.

PRErelease. The short time remaining to serve limits or otherwise influences placement or program options. This should be used both when a release date is so close that transfer or starting a long-term program is not warranted and when a short release date warrants special placement or program consideration. Use when sending an inmate to a hub institution for work furlough.

PSYchiatric. A mental condition requires special treatment or may severely limit placement options. Includes Category B.

PUBlic interest case. High notoriety requires application of policy for placement.

RAPe. Inmate has a history or prior incidence of rape which may require restricted custody or placement decision. Include sexual assault and spousal rape.

SCHool. Inmate is involved in an academic program which is not available at an institution level consistent with the inmate's score.

SEXual orientation. Bisexually or homosexually oriented inmate and may require special placement.

TIME to serve. Inmate's time to serve is long, indicating a need for a higher level placement than that indicated by the inmate's score. For example, inmates with a sentence of life without possibility of parole.

VOCational training. Inmate is involved in a vocational program which is not available at an institution level consistent with the inmate's score.

WORk skills. Inmate has a work skill in a critical trade for which special placement consideration may be warranted. This should also be used to request or approve work crew placements.

#### Boxes 94-100

- Work Skills (boxes 94-100).
  - This item is used to keep track of inmates with special work skills which may be needed by institutions and to later identify inmates who acquire work skills.
  - Seven boxes are provided for the first few letters of skill names. Four boxes are provided for the first four letters of the name, and three additional boxes are provided for the first three letters of those skills requiring two names.
  - Many skills have a very broad second name and a specific first name. Both names are needed in these cases. For example, technicians, mechanics, repairmen, cooks, operators, and drivers require a specific first name. Listed on the following pages are some of the common skills with the letters capitalized which go into the boxes.
  - This item is only to identify the area of skill, not skill level. For example, do not use the boxes to indicate journeyman. If the skill has only one common name, place the first four letters in the boxes to the left and leave the boxes to the right empty. Do not place additional letters from the first name in the right-hand boxes.

Auto Mechanic

A	U	T	O	—	M	E	C
---	---	---	---	---	---	---	---

Plumber

P	L	U	M	—			
---	---	---	---	---	--	--	--

- Leave this item blank for inmates with no significant employment history or where the employment has been unskilled. Do not record such employment as construction labor, kitchen helper, deliveryman, or telephone solicitor.

#### Work Skills and Identifying Letters

APpliance repairman  
 AUTo MEChanic  
 BAKer  
 BARBer  
 BOdy & FENder repairman  
 BOILerhouse TENder  
 BUTCher  
 CARPenter  
 CEMEnt FINisher  
 CLERk TYPist  
 COOK, DINner (first cook)  
 COOK, FRY (snack bar)  
 DAIRy MILker  
 DENTal  
 DIESEl MEChanic  
 DRAFTsman  
 ELECTrician  
 ELECTronic TECHnician  
 FARM equipment OPErator  
 FIREman  
 HEAVy equipment OPErator  
 MACHinist  
 MASOn  
 MEATcutter

MEDical lab TEChnician  
 MILL & CABinet worker  
 MOTOr WINder  
 NURSe's AIDe  
 OFFice equipment REPairman  
 PAINter  
 PASTeurizer  
 PHOTographer  
 PLASterer  
 PLUMber  
 PRINter  
 REFRigeration MEChanic  
 ROOFer  
 SEWEr PLAnt operator  
 SEWIng machine OPERator  
 SEWIng machine REPairman  
 SHEET METal worker  
 SURGical TEChnician  
 TV--REPairman  
 UPHOLsterer  
 WELDer  
 X-RAY TEChnician

\*\*For skills not listed, use the first four letters of the first substantive word and, if necessary, the first three letters of the second substantive word.

#### **Boxes 101-118**

- Caseworkers (boxes 101-118).
  - The counselor shall enter their last name and first initial in the boxes, indicating that they are satisfied that the CDC Form 839 is accurate and complete.

#### **Boxes 119-121**

- Total Classification Score (boxes 119-121).
  - Combine the Total Background Factors Score (item II.A.4.) with total Prior Incarceration Behavior Score (item II.B.6.). Add or subtract the total prior incarceration behavior score, depending on whether the behavior was favorable or unfavorable.
- Enter the results of this computation in the three boxes so that the last number appears in the box to the right. Any empty boxes are to appear on the left.
- If the computation results in a minus value or zero value enter zero for the score.

#### **61010.11.4 CSR Action**

This section is to be completed only by a CSR or a staff member specifically authorized to act in that capacity.

#### **Boxes 122-129**

- CSR (boxes 122-129).
  - The CSR shall print in CAPITAL BLOCK letters his or her last name, or the first eight letters thereof, in the space provided.

#### **Boxes 130-135**

- Date of CSR Action (boxes 130-135).
  - Enter the number of the month, day and last two digits of the year in which the action is taken.

#### **Boxes 136-144**

- Administrative Determinants (boxes 136-144).
  - Inmates within the following range of classification scores shall be placed in an institution which is designated at the level indicated, unless a reason for administrative or irregular placement (item III.B.6.) is specified:

Score	Level
0-18	I
19-27	II
28-51	III
52+	IV

- Appropriate inmate placement is determined by both Total Classification Score and unusual or special case factors. Some case factors affect placement because of administrative policy requirements. Policy determined factors shall be referred to as "administrative determinants" and placements based on these in a facility which does not correspond to the inmate's classification score shall be referred to as "administrative placements".

#### **Special Case Factors**

- There are also special case factors which, while not governed by policy, influence placement by determining program priorities. For example, the inmate's score level is reduced but is retained in higher custody to complete academic or vocational training, to fill a skilled worker

position, or the population is such that no suitable bed at the inmate's level is immediately available. When placement occurs under such circumstances it shall be recorded as an "irregular" placement in III.B.6.

- Do not record any factor here which is not policy governed.

#### Space for Administrative Determinants

- Space is provided here to record three administrative determinants. It is important to complete this section, if applicable, regardless of whether or not the inmate is endorsed for an institution level which corresponds with the inmate's score. In addition to requiring a different placement level, administrative determinants may also limit eligibility for some institutions or facilities at the same level or may require future special placement if the inmate's score level changes. For example, inmates with an "R" custody suffix are never eligible for placement in certain Level I facilities. The crime on which the "R" is based shall, therefore, be recorded as a determinant even if the inmate is now at a higher level.
- If more than one administrative determinant is entered, determine which is the controlling determinant and enter the code for this one in the boxes labeled "PRIMARY". The controlling determinant is the one which requires the highest level of security. Enter any other determinants in the remaining boxes. If there are not enough boxes for the number of factors, give priority to those related to custody and safety. If nothing is recorded in these boxes it is assumed that the inmate will be housed in an institution level which is consistent with the inmate's score.
- To complete this item, review the special case factors identified by the counselor in item III.A. above and determine which, if any, are policy governed. Next, examine the documentation for those factors which qualify as administrative determinants. Record those determinants which are supported by documentation using the special case factor codes provided in III.A.5.
- For example, the counselor has noted an active "felony hold," restricted "R" custody required, and strong family ties to a specific location. While family ties are an important casework consideration they are not an administrative determinant and therefore should not be recorded here. Documentation for the hold is in the file but the "R" suffix cannot be required as there is no record of actual conviction for a sex crime. You would, therefore, enter:
- PRIMARY

a)	b)	c)
H   O   L		

#### Box 145

- Category/Special Housing (box 145).
  - Enter the letter designation for the medical/psychiatric category or SHU/PHU approved using the codes provided for III.A.4. above.

#### Boxes 146-152

- Institution Approved (boxes 146-152).
  - The first four boxes are for the first four initials of the institution or facility name while the last three "open" boxes are for recording the subfacility designation or camp number. Enter only one letter or number in each box. Empty boxes should be to the right.
  - For example, for Sierra Conservation Center, Camp #23; SOL, Level II; Reception Center West; and CCC, Level III; you would record respectively the following:

S	C	C	—	2	3	;	SOL	I	I					
C	I	M	—	R	C	W	;	C	C	C	—	I	I	I

#### Boxes 153-155

- Reason for Administrative or Irregular Placement (boxes 153-155).
  - Complete this item only if the placement level approved does not correspond with the inmate's classification score level.
  - If the levels do not correspond, enter your placement reason, using the special case factor codes provided in item III.A.5.

#### 61010.12 Reception Center Transfer Disagreements

If the reception center's Associate Warden disagrees with the CSR's action, the inmate shall be retained at the center while the case is presented to another CSR. If second CSR does not resolve the issue, the Chief, Classification Services, shall be contacted for a decision.

#### 61010.13 CSR Special Transfer Review

Reception center cases determined to require security housing placement shall be presented for routine CSR review.

#### 61010.14 CSR 30-Day Review of Transfer Delays

If an inmate is not transferred within 30 days after CSR endorsement, the case shall be updated, noting the reason for the delay, and resubmitted to the next available CSR.

#### 61010.15 Revisions

The Deputy Director, Institutions, or designee shall ensure that the content of this section is current and accurate.

#### 61010.16 References

PC §§ 1203 and 2930.

CCR.

## ARTICLE 2 — CASE CONSIDERATIONS

*Revised January 22, 1991*

### **61020.1 Policy**

Inmates received by the Department shall be evaluated on an ongoing basis, and significant case information shall be documented in the C-File.

### **61020.2 Purpose**

This section establishes standard procedures and guide lines for the orderly acceptance, and documentation of significant case information necessary for the transfer and safety of inmates. It includes methods to update inmate classification scores and the proper documentation of critical and confidential information.

### **61020.3 CDC Form 812, Notice of Critical Case Information - Safety Of Persons**

A CDC Form 812, Notice of Critical Case Information - Safety of Persons shall be filed in each C-File. Its purpose is to alert staff of any information regarding an inmate/parolee which is or may be critical to paroles or the institution. The form and all documents referred to on the form shall be reviewed and considered in the transfer, placement and case supervision of an inmate or parolee. Entries on the form shall not be made or used as a substitute for detailed documentation required elsewhere in the C-file. The reverse side of the CDC Form 812 shall not be written on.

#### **61020.3.1 Reception Center Initiation of CDC Form 812**

Reception center staff shall complete a CDC Form 812 for each newly committed or returned inmate and place it in the inmate's C-file before referral to the CSR or before the inmate's release to parole, discharge or another jurisdiction.

#### **61020.3.2 Institution Update of CDC Form 812**

Counseling staff shall update the CDC Form 812 as any critical information becomes known and is documented in the inmate's C-File and within 30 days of transfer. The CSR shall not take any action on transfers unless the CDC Form 812 or its update is within 30 days. Staff shall prepare a new CDC Form 812 to update the previous information and use OBIS to verify all enemy locations.

#### **61020.3.3 Paroles Update of CDC Form 812**

Parole staff shall update the CDC Form 812 as any critical case information becomes known and is documented for inclusion in a parolee's file. The form shall be updated before the parolee's file is forwarded by the parole region to any other location, including the Department's Archives Unit.

#### **61020.3.4 Verification And Documentation of Enemy Information**

Inmates, who staff believe are likely to do mortal or serious injury one to the other, if given the opportunity, shall be considered enemies. Inmates who claim to have an enemy, are responsible for providing sufficient information to positively identify the claimed enemy. Staff shall make concerted efforts to evaluate, verify and document this information. Verification may include an interview with the alleged enemy when it can be done without jeopardizing an investigation or endangering the inmate. Information shall be documented on a CDC Form 812 and a CDC Form 128-B indicating the results of the investigation which supports, verifies or disproves this information.

### **61020.4 Recording on the CDC Form 812**

When notations (names, number, circumstances and comments) are recorded on a CDC Form 812, the recording staff person shall ensure such critical information is included on the CDC Form 812 of each identified inmate or parolee. Where inmates or parolees are located elsewhere, such notifications shall be made by a photocopy of both the CDC Form 812 and a completed Enemy List Memorandum. Once the information from these documents has been transposed, they shall be destroyed. All involved inmates shall be notified of the information sent or received unless the information disclosed would endanger the safety or security of the institution, staff or inmates.

### **61020.5 Information Documentation CDC Form 812**

The CDC Form 812 is non-confidential. It shall contain no more than references to documents in the confidential materials folder and not be filed in the folder. Care shall be exercised in making notations on the CDC Form 812 to avoid disclosing any confidential information. Confidential information shall be documented on a CDC Form 128-B, General Chrono.

The inmate shall have access to the fact that there is confidential information in the file; however, the contents shall not be disclosed.

Notations are reserved for four specific kinds of information: "Enemies", "Gang Affiliations", "Assaults on Others", and "Victims of Assault". Other kinds of critical information shall be noted in the "Comments" portion of the form.

When there are numerous documents in a file, all related to the same critical information, the notation on the CDC Form 812 shall refer the reader to only the original sources or most significant documents. The reader is thus alerted that critical information exists in the file and is responsible for locating and considering any other related information/documents.

#### **None Known**

When there is no critical case information relating to the safety of persons to document, a check mark shall be entered in the appropriate "None Known" boxes on the form. The absence of both these check marks and the presence of any notations shall indicate that critical information may exist and that the form has not been completed. Decisions or actions which may affect the safety of persons shall consider all available information and not solely the presence or absence of notations.

Notations on a CDC Form 812 shall be typed or printed in ink and dated. The staff person making or authorizing the notation shall be identified by their name, title, institution or parole region.

Each CDC Form 812 and all documents referred to on the form shall become permanent and retained in the inmate's/parolee's file in accordance with procedures outlined in DOM 72010, Types of Records.

#### **Supporting Information**

All written notations on a CDC Form 812 shall be supported by documentation contained elsewhere in the file. A CDC Form 128-B shall be used to document notifications unless the information is already supported by other file material which need only be referenced. It is the reporting employee's responsibility to ensure that the information is placed in the file and that it is properly listed on the CDC Form 812.

## **Institution Gang Investigator Referral**

Gang involvement information shall be verified by a thorough investigation using the Institution Gang Investigator (IGI), investigative lieutenant or other designated staff.

### **Providing False Information**

If it is determined the inmate has given false information, staff shall take appropriate action pursuant to CCR 3021.

### **61020.6 Prison Gang Information Documentation on CDC Form 812-A**

When a prison gang affiliation is entered on the CDC Form 812, staff shall prepare a CDC Form 812-A, Notice of Critical Information-Prison Gang Identification. This form shall be completed only when inmates have been designated as a member, affiliate, associate or defector of the Nuestra Familia, Mexican Mafia, Texas Syndicate, Black Guerilla Family, or Aryan Brotherhood.

The CDC Form 812-A shall be completed in detail. The designation of an inmate as a member, associate or defector, or in need of protection from a prison gang shall be verified, and all supporting documentation listed on the form.

### **IGI**

Institution Gang Investigator shall prepare a CDC Form 128-B to summarize the verification of the inmate's involvement. In many cases, it will be necessary to provide more than one item of verification. IGI's or investigative lieutenants shall review and sign each CDC Form 812-A prior to its placement in the inmate's file to ensure that an inmate is not given a prison gang designation unless adequate supporting documentation is contained in the inmate's file. The reverse side of the CDC Form 812-A shall not be written on.

### **Updating**

The CDC Form 812-A shall be reviewed and updated at each annual classification review and during any review for a transfer.

### **61020.7 Prison Gang Identification Methods**

Methods of identification shall include a reference to each source document in the inmate's/parolee's file and adhere to the following guidelines:

**Self Admission.** Shall require verification from another source.

**Tattoos and Symbols.** Body markings identified by IGIs as indicative of specific prison gangs.

**Written Material.** Any material or documents determined to indicate prison gang involvement or activity such as membership lists, enemy lists, gang constitutions, structure, codes or training materials of specific groups.

**Photos.** Individual or group photographs with gang connotations such as insignia or symbols or group photos with known gang members.

**Staff Information.** Documented staff observations which reasonably indicate and verify gang involvement or association. The inmate's C-File shall be reviewed for corroborating CDC Form 115 Rules Violation Reports, CDC Form 837 Incident Reports, probation officer reports and other reports.

**Other Agencies.** Information provided by other agencies shall be documented. If the information is received orally, department staff shall document the information, citing the source and the validity (such as the other agency's basis for determining an affiliation).

**Association.** Enter only information related to the inmate's/parolee's association with known gang members or with persons directly linked to known gang members. Such information can relate to street associations, crime partners, institutional associations, or visitors or correspondents of gang members.

**Confidential Sources.** The date of the information and the type of the source shall be noted. Any document relating confidential information from an inmate source shall also include an evaluation of the source's reliability and otherwise meet the requirements for the use of confidential information as specified in DOM 61020.8.

**Commitment Offense.** Where the circumstances of an offense reveal evidence of gang affiliation, the counselor shall check for such indicators as victim, gang related crime, crime partners, witnesses, ethnic consideration, area of commitment or "home town." "Home town" and ethnic considerations alone shall not determine gang affiliation but shall be considered in context with other substantiating information.

**Legal Documents.** POR or court transcripts.

**Visitors.** Documentation shall be made of visitors who are known gang "runner," street members or members of an organization which associates with prison gangs.

**Debriefing Reports.** Official material detailing the voluntary statement of an inmate or parolee who claims to have defected from a prison gang or disruptive group.

### **61020.8 Confidential Material Criteria**

The following types of information shall be classified as confidential:

- Information which, if known to the inmate, parolee, or others, would endanger the safety of any person.
- Information which would jeopardize the security of the institution.
- Specific medical or psychological information which would be medically/psychologically detrimental if known to the inmate or parolee.
- Information which another governmental agency has classified as confidential and that agency does not accept the Department's standards of confidentiality.
- Information pertaining to any other inmate or person which would not reasonably be part of the inmate's or parolee's knowledge.

### **61020.9 Confidential Material Use**

CSRs are designated auditors of confidential information.

The hearing officer for a rules violation report shall ensure that the use of confidential information pertaining to the violation being adjudicated is properly disclosed and documented.

No inmate shall be approved for transfer to another institution based on confidential information which is not properly documented and disclosed.

The identity of a confidential source may be kept confidential if disclosure would endanger the source or institutional security. When confidential information is used, the procedures are as follows:



- The use of confidential information shall be noted in the documentation given to the inmate or parolee along with as much of the information as can be disclosed without identifying its source. A written evaluation of the source's reliability and a statement as to why the identity of the source is not disclosed shall also be provided to the inmate or parolee.
- Any document which contains information from a confidential source shall include an evaluation of the reliability of each source, a brief statement of the reasons for the conclusions reached, and a statement as to why the information or source is not disclosed.

#### **61020.9.1 Confidential Material/Reliability of Source**

No decision shall be based on information from a confidential source unless there is other documentation which corroborates that received from the source.

A confidential source's reliability may be established by any one of the following:

- The source has previously given information which proved to be true.
- Multiple sources independently provide the same information.
- The source incriminates themselves in criminal activity when providing the information such as a drug trafficker who identifies others and in doing so implicates him/herself.
- The source provides information, part of which proves true. For example, a source provides information on the location of a weapon and the person responsible, and the location of the weapon proves true, it may be inferred that the other information is also correct.

Note: Extreme care shall be taken to ensure that the evaluation of reliability does not reveal the identity of the confidential source.

#### **61020.10 Confidential Material Folders**

A removable confidential materials folder shall be provided in each C-file containing confidential information. Only case information which meets the criteria for confidentiality shall be filed in the confidential material folder.

Proposed confidential documents shall be reviewed, signed and dated by a staff person at the CC-III, PA-III or higher staff level to approve their being marked confidential and placed in the confidential folder of an inmate's or parolee's C-File or a parolee's parole field file.

##### **Classification Committee**

Every classification committee shall review the confidential material folder of each case being considered. If unclassified or inappropriately classified material is present, it shall be reclassified and appropriately refiled.

#### **61020.11 Confidential Material Security**

Every reasonable administrative, procedural and physical safeguard shall be established and followed to ensure the security and confidentiality of files to protect against disclosure, damage, harm to an individual or destruction of the information.

##### **Hand Deliver**

Material designated as confidential shall be either hand delivered by a staff person to the person responsible for placing it in the confidential folder of the C-file or parole field file or it shall be placed inside of a sealed envelope which has been marked confidential and mailed to the office which maintains the C-file or parole field file.

##### **Stamped "CONFIDENTIAL"**

Any document designated as containing confidential information, either in total or in part, shall be conspicuously stamped at its top and its bottom with the word "**CONFIDENTIAL**" in red ink. If the document consists of more than one page, each page shall be so marked.

#### **61020.12 CDC Form 840, Reclassification Score Sheet**

Classification and reclassification of inmates will normally be made pursuant to the CDC Classification Scoring System except when in the exercise of the discretion and judgment of the departmental officials it is deemed necessary to depart therefrom in individual cases. Such departures from the system shall be made for the purpose of ensuring the safety of inmates, correctional personnel and that of the general public as well as for special institutional and/or programming needs.

##### **61020.12.1 Procedures**

A CDC Form 840, Reclassification Score Sheet shall be completed as part of the regular classification process and anytime the case is presented to a CSR or when staff act for a CSR, and when a parolee is returned to prison and presented to a CSR for placement authorization. It is intended to provide a cumulative record of the inmate's progress and changes in major case factors. Changes are documented at six or 12 month intervals except that a major change, which can lead to special housing or transfer consideration, shall be documented as it occurs. In addition, when a parolee is returned to prison, either for violating conditions of parole RTC or is returned with a new term (WNT), his or her prison conduct since the last CDC Form 840 and any special case factors are documented on a new CDC Form 840.

The CDC Form 840 contains two carbonless copies and must be written on a hard surface with ball-point pen. Do not use felt tip markers or soft-point writing instruments. The computer copies shall be sent at least weekly to:

Department of Corrections  
Information Quality Support Section  
P.O. Box 942883  
Sacramento, CA 94283-0001

An address stamp is provided for this purpose. It is not necessary to date stamp the form itself as a separate copy is provided for the computer.

Distribution of the "tear-off" copies is made before the C-file is refiled, except when the case is to be presented to a CSR for review.

Copies shall remain attached to the original until the CSR action is documented and then shall be distributed.

##### **Retain**

The CDC Form 839 and all properly retained CDC Form 840s shall remain in the C-file and are not to be purged.

The CDC Form 840 is to be placed as the first C-File document visible in the classification section, on top of any prior CDC Form 840s, or the CDC Form 839 if there are no other CDC Form 840s.

Staff responsible for mailing the computer copies shall visually inspect each for legibility. Any not clearly readable shall be corrected before mailing.

#### **61020.13 Updating for Regular Reclassification Review**

The first CDC Form 840 review is due no later than 12 months after the date the CDC Form 839 was approved by a CSR. Subsequent CDC Form 840 reviews shall be accomplished at least every 12 months after the CDC Form 839 or last CDC Form 840 update or may be updated each six months when credits or points are assessed. If no points or credits are assessed; when an CDC

Form 840 is prepared for transfer or category designation action purposes only, the CDC Form 840 is not considered as updated. Subsequent CDC Form 840 reviews shall be completed six or 12 months after the last CDC Form 840 update where points or credits changed.

##### **Review Date**

When the inmate is scheduled to appear before a classification committee, the counselor shall check the date of the last CDC Form 840 in which points or credits were given or the date on the CDC Form 839 if no CDC Form 840 has been completed.

The inmate shall be given a copy of the CDC Form 840 after the review is completed.

The current classification score (I.C.4) shall be recorded on the CDC Form 128-G, Classification Chrono, documenting the committee's action.

##### **Out of Level Placements**

If the inmate's current score is different than that for the level facility where he or she is housed, the counselor shall check the CSR Action (item III.B.) of previous CDC Forms 839s/840s for any "Administrative or Irregular Placement" approval. If no approval is noted, the case shall be presented to the next CSR for evaluation.

Where an approval is noted, and the inmate's adjusted score moves him or her to another level designation, the case shall be presented to the CSR for transfer evaluation. A CSR approval for "Administrative or Irregular Placement" is only valid as long as the inmate's score remains within the same level as when the approval was given. An inmate shall not remain at a facility that does not match his or her classification score level unless approved by a CSR.

A new CDC Form 840 shall be completed prior to the hearing if 11 or more months have passed and may be completed if five or more months have passed and shall be completed if a purpose of the committee hearing is to consider the inmate for transfer.

#### **61020.14 Classification Staff Representative Review for Placement or Transfer Endorsement**

Cases submitted to a CSR for transfer consideration must have a new CDC Form 840. Each inmate transferred will have a current classification score, so the receiving institution does not need to do a review until the appropriate period of time has lapsed.

Whenever a case is presented to a CSR, the new CDC Form 840 will be attached to the CDC Form 128-G making the referral. After the CSR's review and item III.B. has been completed, detach and distribute one copy each to the inmate and Information Quality Support Section before filing the original on top of the last CDC Forms 839 or 840. No CDC Form 840 presented for CSR action shall be sent to the Information Quality Support Section before item III.B. has been completed.

##### **Resubmittal to CSR**

When a case is resubmitted to a CSR to appeal the decision of another, each submittal is a separate transaction and a new CDC Form 840 is required. Distribute the copies of the CDC Form 840 which contain the original CSR action, regardless of the second CSR's decision. This will close out the first transaction.

Do not reassess points for negative or positive behavior from the previous CDC Form 840. Only indicate new information since last review.

The exception to the above is when the original CSR reception center transfer endorsement is appealed and results in a change to the CDC Form 839. It is then processed as a correction to the CDC Form 839.

#### **61020.15 Processing Inmates Through a Different Facility Than CSR Approved**

Inmates endorsed by a CSR to a subfacility of an institution complex may be received and processed through a higher level unit. Such cases are to be transferred to the subfacility at the first opportunity or, when beds are not immediately available, placed on a waiting list. If a classification committee discovers special case factors which prohibit movement to a lower level, the case shall be presented to a CSR within 30 days for further evaluation. Any such case not presented to a CSR shall be on an approved waiting list.

#### **61020.16 Transferring Inmates Between Facilities in the Same Complex or to Work Furlough**

Transfer of inmates for more than 30 days between different level subfacilities of an institution complex requires the same procedure as transfers between institutions, except that the C&PR is delegated the authority to act as a CSR as long as the facility conforms to the inmate's classification score.

To exercise this authority, the C&PR shall complete item III.B. as a CSR. The C&PR shall also act as a CSR to approve transfer to "hub" institutions to facilitate placement in a work furlough program. In such cases, the approved hub institution need not conform to the inmate's classification level for the C&PR to approve transfer. No CSR approval is required for movement between subfacilities at the same level.

#### **61020.17 Presenting SHU Cases for CSR Placement**

A new CDC Form 840 is required when cases are presented to a CSR for release or retention after expiration of a term of determinate confinement or a stay of one year indeterminate status in a SHU.

#### **61020.18 Correcting Errors on the CDC Forms 839 and 840**

Errors detected after the information has been placed in the computer require a two-step process to correct because the information is stored in two very different media (as a hard copy and as magnetic impulses in the computer).

**Correct the file copy first.** Line through the item to be changed and place the correct information beside the box. Initial and date the change. This provides C-File documentation of the old and new values and changes.

##### **Change of Points**

When any points or credits are changed, the total score will also change and must be corrected. Since the classification score is accumulative, each CDC Form 840 completed after the form being corrected also requires that the prior and current classification scores (items I.C.1 and I.C.4.) be appropriately corrected.

**For example:** If the corrected error in points is on the CDC Form 839, this will change the prior classification score carried over to the CDC Form 840, which in turn will change the current classification score.

The inmate shall be given a copy of the corrected file originals.

After all the necessary corrections have been made on the file originals, change the computer data. These corrections are made by substituting a new value in the data tape.

#### **Data File**

When the first CDC Form 840 is submitted, a small data file is created, identified by the ID number and date of the current review at the bottom of the form. A second file is created for the next CDC Form 840 submitted, and so forth. At the same time the computer pulls information from all prior CDC Form 840 transactions to create a master record of the inmate's most current case factors. For example, the current master record will reflect an administrative placement reason from a prior CDC Form 840 action.

When a correction is submitted, the computer locates the CDC Form 840 files with the same ID number, then locates the file with the identical date. All information on the corrected CDC Form 840 is then substituted for information in that file for that classification date. The master file adjusts automatically to those changes.

#### **Write "CORRECTION"**

Write "CORRECTION" in large, CAPITAL BLOCK style letters in the left side margin of the form. After correcting the C-file CDC Form 840, enter the changes inside the boxes of a new CDC

Form 840, detach and discard the yellow copy. Provide the original white form to the records office to send for computer processing. Forward the green copy to the inmate.

Submit corrections only for the CDC Form 840s which contain independent errors. The computer automatically changes the classification score of all subsequent CDC Form 840s.

#### **61020.19 Instructions**

##### **General**

The CDC Form 840 is divided into three sections. Identifying information is recorded in the bottom section (I.). The second section (II.) provides for the recalculation of a new current classification score and the third (III.) focuses on the inmate's placement.

Begin the CDC Form 840 review process by locating the last CDC Form 840, or the CDC Form 839 if there is no CDC Form 840. Note the classification score, any special case factors and the date of the last review when points and credits were assessed.

**Note:** If there are several CDC Form 840s, make sure you are reviewing the most current and that it is filed on top.

##### **61020.19.1 Identifying Information**

Take this opportunity to purge the C-File of duplicates or improperly retained CDC Form 840 copies and to ensure that the CDC Form 840s are filed in order of recency.

Complete the new CDC Form 840 by beginning with identifying information at the bottom of the form.

##### **CDC Number (boxes 1-6)**

Enter the letter prefix in box 1 and the number in boxes 2-6, always ending in box 6. Be certain not to enter the letter in the number boxes.

D-27854

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##### **Inmates Last Name (boxes 7-14)**

Enter the first eight letters of the inmate's last name using PRINTED, CAPITAL BLOCK letters. If the name consists of more than eight letters, simply omit the remaining letters. For names with less than eight letters, leave empty the remaining boxes to the right. If the last name has two words, run the words together and do not leave an empty box in between.

JONES, Richard Sidney

J	O	N	E	S			
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##### **Date of Current Review (boxes 15-20)**

Enter the date the current review is being made. This date is used to locate and identify the data in the computer. Data cannot be entered without a date.

August 6, 1987

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##### **Parole Violator Admission Type (boxes 21-23)**

This shall only be completed when the CDC Form 840 is used in the reception and processing of a parole violator. Thus, this section shall ONLY be used for parole violators while being processed at reception centers, parole violator units or parole region headquarters. Enter RTC or WNT. Completing this section will cause the computer to search all prior classification files and reactivate records from a prior term.

## **61020.19.2 Recalculation of Score**

### **Boxes 24-45**

Unfavorable Behavior Since Last Review.

### **Boxes 24-29**

Last Review Date.

Locate the last CDC Form 840 with credits and/or points assessed (or the CDC Form 839 if there is no 840). Enter the last review date in the space provided.

### **Boxes 30-31**

Number of Serious Disciplinary.

Locate the disciplinary report section of the C-file and note if the inmate was found guilty of misbehavior rated as "serious" rather than "administrative". If so, compare the date of the finding to the last CDC Form 840 review date. In the space provided, write the adjudication date of all "serious" disciplinary reports later than the last review date.

Count the number since the last review, multiply by six points and enter the total. The inmate must have been found or pled guilty of conduct described as a serious disciplinary in CCR (15) 3315.

Compare the charges and findings with the behavior described in items II.A.2. through 8. below. If the inmate was found guilty of the described behavior, enter the adjudication date and assess the points.

Where the behavior in an incident falls under several categories, assign the points for each appropriate category. For example, if the inmate assaults another with a deadly weapon causing great bodily injury, that one act will be noted on the CDC Form 840 in items II.A.8., serious 115 = 6; II.A.4., assault = 4; II.A.6., weapons = 16; and II.A.8, serious injury = 16.

### **Boxes 32-33**

Number of Escapes During Current Period.

Include camp walkaways and well-documented attempts. Do not include a failure to return from furlough.

Count the number, multiply by eight points and enter the total.

### **Boxes 43-35**

Number of Physical Assaults on Staff.

Physical assaults where criminal prosecution had, or would normally have, taken place. Physical assault means any offense of the type described in CCR (15) 3005(c), "Force and Violence". Physical assault does not include offensive touching or simple battery where there was no apparent and present ability to inflict injury. For example, do not assess points for throwing a liquid at a staff person unless the liquid was caustic and therefore capable of inflicting injury.

Count the number, multiply by eight and enter the total.

### **Boxes 36-37**

Number of Physical Assaults on Inmates.

Physical assault means any offense of the type described in CCR (15) 3005(c), "Force and Violence". Physical assault does not include offensive touching or simple battery where there was no apparent and present ability to inflict injury. Do not include mutual combat where both inmates were co-responsible. Refers to situations where one or more inmates are clearly the victim. Usually results in some injury involving a group attack or some type of weapon.

Count the number, multiply by four and enter the total.

### **Boxes 38-39**

Number of Smuggling/Trafficking in Drugs.

Do not count a disciplinary determination in which the inmate was found or pled guilty of possessing a small quantity of drugs for personal use or being under the influence. This section refers to inmates who are involved in an operation to smuggle drugs into a jail or institution for distribution and sales.

Count the number, multiply by four and enter the total.

### **Boxes 40-41**

Number of Deadly Weapon Possessions.

Include only well-documented instances of manufacturing or possessing a deadly weapon where apparent use is intended. Do not include possession of commonly available and unmodified objects, unless they are used as weapons and this fact is documented in a disciplinary hearing process.

Count the number, multiply by 16 and enter the total.

### **Boxes 42-43**

Number of Inciting Disturbance.

Include any willful and deliberate behavior which might lead to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in CCR (15) 3005. Typically, this involves a leadership role in an institution riot, racial disturbance, or work strike.

Count the number, multiply by four and enter the total.

### **Boxes 44-45**

Number of Assaults That Caused Serious Injury.

Include if the assault caused injury, the extent of which is life threatening in nature and requires hospital care or disability over an extended period (medical attention beyond first-aid or treatment and release). Include inmates who conspired in, or ordered such an assault and any attempts which may have been life threatening but the circumstances, such as heavy clothing, prevented the homicidal intent from being accomplished.

Count the number, multiply by 16 and enter the total.

Total Unfavorable Points (write in space).

Add the points for items II.A.1. through 8. and enter here.

### **61020.19.3 Favorable Behavior Since Last Review**

The items below afford credits for each six-month period. Credits shall be granted when the inmate is within 30 days of completing a six-month period. For an annual reclassification review, two six-month periods shall be counted.

When the inmate's status is interrupted during the period through no fault of his or her own, that status shall be considered continuous. Items II.B.1., 2., and 4. require that the inmate maintain the status during the entire period rather than simply being exposed to it.

To complete this item, review CDC Form 128-Gs, CDC Form 101 Work Supervisor's Report, or CDC Forms 128-Es Chrono-Education/Vocational.

#### **Boxes 46-47**

Continuous Minimum Custody.

Count the number of six-month periods applicable, multiply by four and enter the total.

#### **Boxes 48-49**

Continuous Dorm Living.

Inmates must have demonstrated successful adjustment to this type of housing. Credits are intended for those adjusting to the reduced custodial constraints and freer movement associated with the lower level institutions. If the individual has been a significant disciplinary problem during the period, credit shall not be given.

Do not count interruptions to higher custody assignments which are not the fault of the inmate, such as out-to-court or found not guilty after a disciplinary investigation. Count the period of interruption as if it were a continuation of minimum custody or dormitory living.

CRC and CIM minimum shall be considered dormitory living.

Inmates who are living in converted dayrooms and other spaces in a cell block or wing, in a Level III facility, will not be given credit for dormitory living.

Count the number of six-month periods applicable, multiply by two and enter the total.

#### **Boxes 50-51**

No Serious 115s.

The counterpart of II.A.1. above.

The six-month period starts from the date of the last review and not from the date of the last serious CDC Form 115. Administrative CDC Form 115s shall not be counted.

Count the number of six-month periods during which the inmate received no serious disciplinary for which the inmate was found or pled guilty, multiply by two and enter the total.

#### **Boxes 52-53**

Average or Above Performance in Work, School, or Vocational Program.

Combine part-time assignments which taken together are equivalent to a full-time assignment.

Inmates will typically have average or above work grades and school grades. This item is intended to compare inmates in general and be comparable to granting credits under the work incentive program.

Award credit if the inmate's performance was rated "average or above", as noted on the CDC Form 101, or CDC Forms 128-D, E, and F.

Credits shall not be given to inmates who are not participating in a program (such as an inmate who is unassigned for medical reasons).

Count the number of six-month periods applicable, multiply by two and enter the total.

Total Favorable Credits (write in space).

Add the credits for II.B.1. through 4. and enter. Note that they are a minus value.

### **61020.19.4 Computation of Classification Score**

#### **Boxes 54-56**

Prior Classification Score.

Enter the total combined score from the CDC Form 839 for the first review or the current (adjusted) classification score from the previous CDC Form 840 review. Note that the CDC Form 840 form appears on the back of the CDC Form 839 form prior to

April, 1980. Where a correction is being made, or was made to CDC Forms 839 or 840, use the score as corrected.

- **For example:** If a serious disciplinary was logged in error, subtract the points from the total score before entering item I.C.4. while following the other procedures for correcting the computer.

#### **Boxes 57-59**

Net Change in Behavior Score.

Total the sum of unfavorable points (II.A.9) with the sum of favorable credits (II.B.5.). The net change can be a plus or minus value. Enter the appropriate sign and the total.

#### **Boxes 60-62**

Change in Term Points.

Whenever an inmate or parole violator receives a new, or additional, sentence which changes the total term length, add or subtract one point for each four-month period of difference between the new term and old term. (Refer to DOM 61010.11.2.)

**For example:** The inmate returned to court and had a prior term stricken, reducing his total term from four years to three:

—		0	3
---	--	---	---

An inmate receives an additional term, increasing his total term by six months:

+		0	1
---	--	---	---

An escapee is given an 18-month sentence consecutive with his controlling offense:

+		0	4
---	--	---	---

Court actions resulting in a concurrent term which does not change the total term will not be recorded.

#### Adjustment

The original CDC Form 839 term points for life prisoners, based on a general number, shall be adjusted on the CDC Form 840 when the BPT sets the inmate's time. To do this use the total projected incarceration time assessed for the crime. Do not subtract the good time credits. Using the years and months assessed, subtract one year then multiply the remaining years by three points, as with the CDC Form 839. Compare this point total with the CDC Form 839 term points and calculate the difference. Place the results of this calculation in the boxes in item II.C.3. of the CDC Form 840 and compute a new adjusted classification score, item II.C.4.

**Note:** The first box of II.C.3. must always have a plus or minus sign to show the direction of change. For example, 50 term points appear on the CDC Form 839, and a 16-year term is assessed. After subtracting the one year, 15 years would equal 45 points minus five-point difference from the original 50 points:

—		0	5
---	--	---	---

The total time assessed is what is counted, not the actual time to serve. No term points adjustment is made for progress reviews.

#### Parole Violators

For parole violators an additional calculation is required as the prior term points must first be subtracted. This is done because the prior term does not affect the current length of incarceration.

The prior CDC Form 839 term points for a RTC are simply entered as a minus value and subtracted from the Classification Score.

For WNTs, the prior CDC Form 839 term points given a minus value, combined with new term points minus one year and the difference entered as a plus or minus value.

#### Boxes 63-65

Current Classification Score.

This is the inmate's classification score following the review and results from the above calculations. This score will become the prior classification score, item II.C.1., on the next CDC Form 840.

**Note:** Zero is the lowest total score to be recorded. If the above computation results in a minus value, enter a zero in each box.

#### 61020.19.5 Placement Special Case Factors

This provides the opportunity to alert classification staff of special concerns which should be considered in placement or program assignment. For most inmates this section will be blank.

Begin by reviewing the CDC Form 839 and prior CDC Form 840s for special case factors, identified by counselors or CSRs, which need to be evaluated for change or continuation. For example, does the hold still exist or is the medical restriction still a factor?

Next, review relevant chronos and other documentation for any recent concerns.

Prior factors may be erased by placing an asterisk (\*) in the box in front of the prior "Other Placement Concerns" or in the same box for item III.A.1. The lack of an asterisk (\*) will mean the continuation or addition of a concern.

If a prior factor is still important, repeat the code in the appropriate box.

#### 61020.19.5.1 Placement Concerns

##### Boxes 66-72

Placement Concerns

**Hold.** New holds, detainers and warrants are coded "P" for potential or "A" for actual and for both felony charges and for USINS. Place an asterisk (\*) in Box 66 or 67 if a felony or USINS hold has been dropped

**Restricted custody suffix.** Place an asterisk (\*) in the box if "R" custody has been removed or enter an "R" if that restriction has been added or is continuing.

**Medical restriction.** Continuation of the same medical restriction from the last review is documented by repeating the code.

Enter a different code if the level of restriction changed.

Enter an asterisk (\*) if restrictions have been removed entirely.

Leave the boxes blank if the inmate was, and continues to be, medically qualified for camp - full duty.

Use only the following standard designations and code by entering the first four letters:

FULL - Medically eligible for full-time work assignment but not in a camp.

REST - Medically restricted from certain types of jobs or limited to light duty work.

UNAS - Unassigned because of medical reasons.

**For example:** If the inmate no longer has a potential felony hold but is still wanted by the USINS and still requires the "R" custody suffix but is now on restricted duty status rather than medically unassigned you would enter the following codes:

- a) HOLD  
(enter A, P or \*)
- b) RESTricted  
Custody Suffix  
(enter R or \*)

Felony	USINS
*	A R

Medical Restriction

(enter FULL, REST, UNAS or \*)

R	E	S	T
---	---	---	---

#### 61020.19.5.2 Other Placement Concerns

##### Boxes 73-80

Other Placement Concerns.

Changes in special case factors, beyond those indicated in item III.A.1., shall be recorded here in items a) and b).

The first box to the left is reserved solely for the removal of a previously recorded concern. Removal is accomplished by placing an asterisk (\*) in the single box and recording the case factor to be removed in the next three boxes. No other symbol shall be recorded in the removal box.

Special case factors are added or continued from the prior review by leaving the removal box blank and entering the first three letters of the factor in the remaining boxes. Standard special case factor codes are provided below.

**For example:** If the inmate continues to have significant psychological problems but a serious enemy situation has been resolved since the last review you would enter the following codes:

a) (*)	b) (*)
—	P S Y * E N E

#### 61020.19.5.3 Special Case Factor List

**AGE.** Inmate's youthfulness, immaturity, or advanced age should be given strong consideration in placement or program decisions.

**ARSon.** Present or prior conviction for arson limits where the inmate may be placed.

**BEHavior ok.** Inmate's behavior record indicates he or she is capable of successful placement at an institution level lower than that indicated by his or her score. Not to be used if the inmate is housed at a level higher than his or her score.

**CAMp.** Placement due to a shortage of camp qualified inmates.

**DEAth sentence.** Inmate was formerly on death row or currently is sentenced to death.

**DEPartmental review board.** Special placement ordered by the Departmental Review Board.

**DISciplinary history.** Inmate has a history of chronic serious disciplinary problems, documented on CDC Form 115s, or threatens the security of the institution.

**ENEMies.** One or more persons under jurisdiction of the Department has been documented on a Critical Case Information form (CDC Form 812) as an enemy. This should also be used when victimization is very probable due to case factors, such as where the nature of the offense will very likely create an enemy situation at certain institutions. Includes current PHU cases and those who are natural victims because of their appearance or commitment offense.

**ESCApe potential.** Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his or her score. For example, the inmate verbalized an intent to escape but has a low score.

**FAMily ties.** Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.

**GANG involvement or affiliation.** Documentation establishes that the inmate's gang association requires special attention or placement consideration.

**HOLd or detainer likely to be exercised.**

**LEWd and lascivious acts.** Inmate has a history or prior incidence of lewd and lascivious acts which may require restricted custody or placement decision.

**LIFe sentence.** Inmate is serving a life sentence and requires application of policy for placement.

**MEDical.** The inmate's medical condition requires treatment or continuing medical attention not generally available at all facilities.

**ORAl copulation.** Inmate has a history or prior incidence of oral copulation which may require restricted custody or placement decision.

**OUT-to-court.** Inmate needs to be housed in a particular facility in order to be close to a court jurisdiction where the inmate is required to testify in court or is being prosecuted. Includes situations where involvement in a court trial is anticipated because a disciplinary has been referred to the DA. Also use this designation when a board appearance is imminent.

**POPulation pressures.** To be used by CSR only. No beds presently exist at the level of institution indicated by score.

**PRErelease.** The short time remaining to serve limits or otherwise influences placement or program options. This should be used both when a release date is so close that transfer or starting a long term program is not warranted and when a short release date warrants special placement or program consideration. Use when sending an inmate to a hub institution for work furlough.

**PSYchiatric.** A mental condition requires special treatment or may severely limit placement options. Includes Category B.

**PUBLIC** interest case. High notoriety requires application of policy for placement.

**RAPe.** Inmate has a history or prior incidence of rape which may require restricted custody or placement decision.

**SCH**ool. Inmate is involved in an academic program which is not available at an institution level consistent with the inmate's score.

**SEX**ual orientation. Bi-sexually or homosexually oriented inmate and may require special placement.

**TIME** to serve. Inmate's time to serve is long, indicating a need for a higher level placement than that indicated by the inmate's score. For example, inmates with a sentence of life without possibility of parole.

**VOC**ational training. Inmate is involved in a vocational program which is not available at an institution level consistent with the inmate's score.

**WORK** skills. Inmate has a work skill in a critical trade for which special placement consideration may be warranted. This should also be used to request or approve work crew placements.

#### 61020.19.6 Case Workers

##### Boxes 81-98

Case Workers.

**Counselor.** The counselor who completes the form up to this point shall PRINT in CAPITAL BLOCK letters his or her last name, or the first eight letters thereof, in the first eight boxes and first initial in the individual box.

**Supervisor.** The supervisor shall enter his or her name in the same manner as the counselor following a review of the form for completeness and accuracy. For example, Robert Jones and Gail Danielson would be recorded as:

Counselor

J	O	N	E	S				R
---	---	---	---	---	--	--	--	---

Supervisor

D	A	N	I	E	L	S	O		G
---	---	---	---	---	---	---	---	--	---

##### Boxes 99-106

Current Custody.

This is the custody determined following the review; the inmate's new custody if a change is made. The first three boxes are for the first three initials of the primary custody (MAX, CLO, MED or MIN) and the fourth, single box is for the level designation. The remaining four boxes are for any special custody suffix.

For example: Medium B custody with an "R" suffix would be coded:

M	E	D	—	B	—	R			
---	---	---	---	---	---	---	--	--	--

##### Boxes 107-113

Current Institution and Facility.

The first four boxes are for the initials of the institution or facility name while the next three boxes are for recording the camp number or subfacility designation.

**For example:** For SCC, camp number 23; SOL, Level III; Reception Center West (RCW); and CCI, Level III; you would record the following respectively:

S	C	C		—	2	3	,	S	O	L		I	I
---	---	---	--	---	---	---	---	---	---	---	--	---	---

C	I	M		—	R	C	W	,	C	C	I	I	I
---	---	---	--	---	---	---	---	---	---	---	---	---	---

#### 61020.19.7 CSR Action

These directions shall also be followed by the C&PR when acting as a CSR for internal transfers and transfers to work furlough.

##### Boxes 114-121

CSR.

The CSR shall PRINT in CAPITAL BLOCK letters his or her last name, or the first eight letters thereof, in the boxes provided.

##### Boxes 122-127

Date of CSR Action.

Enter the number of the month, day and last two digits of the year in which the action is taken.



**Boxes 128-139****Administrative Determinants.**

Space is provided here to record the addition, subtraction or change of three special case factors which, by administratively approved policy and practice, may affect placement now or in the future.

Policy approved factors shall be referred to as "Administrative Determinants" and placement in a facility which does not correspond to the inmate's Classification Score based on these factors shall be referred to as "administrative placements".

It is important to complete this section regardless of whether or not the inmate is endorsed for an institution level which corresponds with the inmate's score. In addition to requiring a different placement level, administrative determinants may also limit eligibility for some institutions or facilities at the same level or may require future special placement if the inmate's score level changes.

**For example:** Inmates with an "R" custody suffix are never eligible for placement in certain level I facilities. The crime on which the "R" is based shall, therefore, be recorded as a determinant even if the inmate is now at a higher level.

**More Than One Administrative Determinant**

If more than one administrative determinant is entered, determine which is the controlling determinant and enter the code for this one in the boxes labeled "PRIMARY". The controlling determinant is the one which requires the highest level of security.

To complete this item, review the changes in special case factors identified by the counselor in item III.A. above and determine which, if any, are policy governed. Examine the documentation for the change in those factors which qualify as administrative determinants. Record those continuations or changes which are supported by documentation using the special case factor codes. Enter an asterisk (\*) in the preceding box if a factor is to be removed.

**For example:** The counselor has noted a felony hold is still active, that the inmate has strong family ties in the area and that the "R" suffix has been removed. While family ties are an important casework consideration they are not an administrative determinant and therefore should not be recorded here. Documentation for the hold is in the file and an institution classification committee (ICC) chrono has dropped the "R".

a) PRIMARY                      b) (\*)                      c) (\*)

H	O	L		R	A	P													
---	---	---	--	---	---	---	--	--	--	--	--	--	--	--	--	--	--	--	--

**61020.19.8 Placement Approved****Boxes 140-147****Placement Approved**

**Category.** Enter the appropriate letter designation for any inmate being approved for assignment to a medical or psychiatric treatment category pursuant to DOM 62080, or a special housing category pursuant to DOM 62050. The appropriate letter designations for categories or special housing are:

"H"	Acute Medical Inpatient.
"N"	Convalescent Medical Inpatient.
"O"	Outpatient Medical.
"I"	Inpatient Psychiatric.
"J"	Partial Care Psychiatric.
"K"	Supportive Care.
"X"	Psychiatric Diagnostic Program.
"T"	Psychiatric Milieu Outpatient.
"U"	Psychiatric Recovered.
"B"	Effeminate Homosexual.
"P"	PHU.
"S"	SHU.

**Institution and facility.** Inmates within the following range of Classification Scores shall be placed in an institution which is designated at the level indicated, unless a reason for administrative or irregular placement (item III.B.5.) is specified:

Score	Level
0-18	I
19-27	II
28-51	III
52+	IV

The first four boxes are for the first four initials of the institution or facility name while the last three "open" boxes are for recording the subfacility designation or camp number. Enter only one letter or number in each box. Empty boxes should be to the right.

**For example:** For SCC, camp number 23; SOL, Level II; RCW; and the CCC, Level III; record as follows:

S	C	C		—	2	3			S	O	L			I	I				
---	---	---	--	---	---	---	--	--	---	---	---	--	--	---	---	--	--	--	--

C	I	M		—	R	C	W			C	C	C		I	I				
---	---	---	--	---	---	---	---	--	--	---	---	---	--	---	---	--	--	--	--

**Boxes 148-150**

Reason for administrative or irregular placement.

Complete this item only if the placement level approved does not correspond with the inmate's Classification Score level.

If the levels do not correspond enter your placement reason, using the special case factor codes provided in III.A.2.

**61020.20        Revisions**

The Deputy Director, ID, or designee shall ensure that the content of this section is current and accurate.

**61020.21        References**

PC §§ 5054, 5058, and 5068.

CCR (15) §§ 3375 and 3378.

## ARTICLE 3 — CUMULATIVE CASE SUMMARY

*Revised October 31, 1990*

### **61030.1 Policy**

Inmates received by the Department shall be evaluated by staff upon reception and the cumulation of information and case material shall be formulated into the Cumulative Case Summary.

### **61030.2 Purpose**

The cumulative case summary is a formal summation of information needed to make decisions about each inmate throughout their institution and parole period under the Department's jurisdiction.

#### **General**

The cumulative case summary is the result of the study required by PC 5068 prepared at the reception center. It provides a format to summarize changes in legal or case factors, program needs, behavior or attitude, and provides other necessary information throughout an inmate's incarceration. Information shall be limited to that which is necessary for case management decisions.

#### **Cumulative Case Summary (Documents)**

The cumulative case summary shall consist of the following documents:

- Legal Status Sheet (LSS), CDC Form 188.
- POR.
- CI&I SSCH Report.
- Psychiatric/psychological evaluation.
- Institutional Staff Recommendation Summary (ISRS).
- Reception Center Readmission Summary, CDC Form 816, (Readmission Summary).
- Social Factors Sheet.

### **61030.3 Distribution**

When completed, the original cumulative case summary shall be retained in the inmate's C-File.

The inmate shall be provided a copy of the cumulative case summary, excluding the CI&I SSCH report and CDC Form 112, prior to initial classification.

### **61030.4 Style and Content**

The cumulative case summary shall be a concise objective report using simple language with any necessary professional/technical terms explained. The cumulative case summary is a permanent record that is reviewed by other agencies and the courts, and as such it shall be prepared in a professional manner regarding content, grammar, spelling, punctuation and typing. With the exception of the CDC Form 816, Reception Center Readmission Summary case summaries shall be typed with all headings included. The preprinted CDC Form 816 shall be prepared in a legible handwritten manner.

### **61030.5 Completeness and Accuracy**

The cumulative case summary shall be complete, accurate and brief, and contain all information that is important to the management of the individual. Sound, objective judgment is required, and all reasonable efforts shall be made to obtain and verify all information. When other documentation is used or quoted, the source/reference material shall be identified such as, "work skill as diesel mechanic, page 9 of the POR". Significant information that cannot be verified shall be noted as such.

#### **Information Gathering**

The inmate's consent shall be sought when gathering information from outside sources, although the Department may gather such information without consent.

#### **CYA and CDC Discharged Terms Files**

When reception center staff determine that an inmate has a CYA history within the last five years or a CDC discharged term, a request shall be made, as soon as possible, to send the discharged file(s). The counselor shall incorporate the information into the new C-file. Copies of documents may be incorporated as necessary but the actual documents shall not be removed from the discharged C-file(s). Following endorsement by a CSR, the discharged file(s) shall be returned to the archives unit or otherwise disposed of by the records personnel.

#### **Other State or Federal Records**

The casework follow-up section shall request the receiving institution to obtain records for any other state or federal prison terms served.

#### **Format**

The cumulative case summary shall be prepared and assembled in the proper format and order as described in this section.

### **61030.5.1 Chronological History (CDC Form 112)**

The CDC Form 112, Chronological History, contains dates and other information on the inmate's arrival, transfer, release, BPT hearings, holds, and forfeiture and restoration of time credits.

### **61030.5.2 Legal Status (CDC Form 188)**

CDC Form 188, Legal Status Sheet, contains the inmate's legal status and other sentencing information and shall be prepared at the reception center. Those inmates sentenced to life, life without the possibility of parole, or to one year-and-one-day will have CDC Form 188 prepared by the LPU in Headquarters.

### **61030.5.3 POR**

The POR is the main source document for information on inmates committed to the Department. All relevant information shall be neatly underlined in dark ink. The POR is obtained from the court and is part of the commitment package.

#### **61030.5.4 CI&I Report**

The inmate's CI&I SSCH report shall be requested from State DOJ by the reception center. If not received before the inmate's transfer, it shall be forwarded to the receiving institution for proper inclusion in the inmate's C-file.

#### **61030.5.5 Psychiatric/Psychological Evaluations**

The Penal Code only requires psychiatric/psychological evaluations on cases convicted for child abuse or neglect (PC 3002). Other psychiatric/psychological evaluations shall be prepared when indicated by sound clinical judgment.

##### **PC 1203.03 Diagnostic Evaluations**

Reception center staff may prepare a psychiatric/psychological evaluation on cases received for diagnostic study under PC 1203.03. These evaluations shall be placed with the cumulative case summary in the C-file.

##### **Staff Referral**

Psychiatric/psychological evaluations shall be prepared for those inmates who, based on staff observation or information from other agencies, appear to have serious psychiatric/psychological problems likely to have a significant affect on institutional adjustment. Evaluations shall be recorded on a CDC Form 128-C, Medical/Psychological Chrono, and placed in the General Chrono section of the C-file.

##### **BPT Psychiatric/Psychological Evaluations**

Staff shall prepare psychiatric/psychological evaluations requested by the BPT. These evaluations shall be placed in the BPT section of the C-file.

##### **Willful Cruelty to a Child (PC 3002) Psychiatric/Psychological Evaluations**

Inmates convicted of PC 273a (Willful Cruelty Toward Child/Endangering Life, Limb or Health) and PC 273d (Inflicting Corporal Punishment Upon Child Resulting in Traumatic Injury) shall receive a psychiatric/psychological evaluation to determine the extent of counseling which may be mandated as a condition of parole as required by PC 3002. Referral to psychiatric/psychological staff shall be in sufficient time to allow the completed evaluation to be mailed with the CDC Form 611, Release Program Study. The evaluation shall be completed by reception center staff if the inmate is retained for work crew or pre-release.

Notice shall be made in the Psychiatric/Psychological and Casework Follow-up sections of the ISRS or Medical/Psychological section of the Readmission Summary when an evaluation is required under PC 3002.

#### **61030.6 Institutional Staff Recommendation Summary (ISRS)- Format**

An ISRS shall be prepared about each newly committed inmate. In addition, an ISRS shall be prepared for parole violators returning with a new term of life imprisonment.

##### **61030.6.1 Exceptions to ISRS Format**

The ISRS for a pre-sentence diagnostic study case (PC 1203.03) shall be prepared in the same format except for the following:

- A criminal history section shall be included between the casework follow-up and the evaluation sections.
- The "EVALUATION" section shall include a recommendation to the court on PC 1203.03 cases. If the inmate is subsequently committed to the Department, the "TRANSFER" part of the ISRS shall be included along with a supplementary evaluation reflecting any significant changes since the diagnostic evaluation.

##### **61030.6.2 ISRS Section Contents**

###### **Supplemental ISRS Report**

If the inmate is subsequently committed to the Department, a report entitled "Supplemental ISRS Report" shall be completed to show any significant changes since the diagnostic evaluation and to complete the transfer section.

###### **Source of Report**

The format of the ISRS and the content of each section shall be as follows:

- List the sources from which the report is prepared such as inmate interview, POR or old C-file.
- Include the date the inmate was interviewed and the date of each document.

###### **Confidential Information**

If there is no information requiring placement in the Confidential Materials Folder indicate "None". If there is confidential information specify the type by using one of the following designations:

- Enemy;
- Gang;
- Notification of interested party; or,
- Other.

###### **Holds/Detainers**

Identify each actual and potential hold by indicating the offense and Code Section, whether felony, misdemeanor, or probation violation and the County originating the hold. If the hold is for USINS, indicate the country of birth. If there is a potential hold, the counselor shall insure that a CDC Form 850, Detainer Summary, is completed. If a "time server" or concurrent sentence is indicated, list the expiration date. If it is for a consecutive term, indicate the offense and term. Holds received by reception center staff after the inmate's transfer shall be telephonically communicated to the receiving institution and forwarded by mail.

###### **Medical/Dental**

Record the level of duty assignment and any significant medical problems indicated by medical staff. Indicate the reason(s) if the inmate is judged not medically qualified for camp assignment or has a medical infirmity that may limit the inmate's ability to work. Describe the type of medication or other medical treatment the inmate receives, if any. Indicate the inmate's self-reported medical problems.

### **Psychiatric/Psychological**

When a psychiatric/psychological referral is required, indicate the reason for the referral, such as PC 3002 or staff observation. If an evaluation is prepared at the reception center, it shall be placed in the Cumulative Case Summary and the conclusions summarized in this section. State "No Referral" if the inmate is not referred for evaluation.

### **Work Skills**

Describe the inmate's work experience and employable skills. Note the sources of and any supporting information, including the inmate's statement.

### **Narcotics/Drugs/Alcohol**

Indicate the amount and frequency of narcotic/drug/alcohol use and whether the inmate was considered addicted. Note the source of the information.

### **Escape History**

Indicate the date(s) and location and describe the type of facility (ies) and means of escape such as failure to return to a work furlough facility, climbed over double fence or armed perimeter, or ran from courtroom while under custody of the sheriff, or whether force was used. Note the source of the information. State the reason if no classification points were assessed.

### **Arson History**

Indicate the date, code section and circumstances of the arson offense. Distinguish arrests and convictions and whether a juvenile or adult at the time. Note the source of information.

### **Sex-Related Offenses**

Identify all sex-related convictions, detentions and arrests, and include the PC number. Indicate the date, location and type of offense, such as rape, unlawful sexual conduct, incest, sodomy or lewd and lascivious conduct. Indicate if the inmate is required to register as a sex offender pursuant to PC 290. Indicate if "R" suffix is appropriate or should be evaluated at the receiving institution. Note the source of the information.

### **Academic/Vocational**

Indicate the last grade completed; whether high school graduate, GED recipient, college graduate, or vocational training certified. Enter the inmate's test scores and the recommendation for program involvement. Indicate if inmate is interested in additional instruction.

### **Casework Follow-Up**

Indicate any pertinent information not available prior to transfer that the receiving institution should obtain. This could include academic, military, employment, medical, psychiatric or prison history documents which may be required by the receiving institution. Be sure to note any outstanding or pending criminal charges requiring follow-up and action taken. A copy of any letter(s) requesting documentation shall be placed in the inmate's C-file with appropriate notations on the CDC Form 850 in the Detainers Section of the C-file. Indicate if the inmate should be evaluated for "R" custody.

### **Criminal History**

Describe the inmate's past criminal behavior, including the type of offenses, dispositions, degree of criminal sophistication and adjustment to incarcerations. Evaluate the circumstances and involvement in instant offense and relationship, if any, to pattern of offenses. Do not repeat the details of the offense as reported in the POR. The use or threat of excessive force or aggression involved in any criminal behavior, arrests, or incarcerations shall be fully discussed and evaluated. It is essential that all such information be incorporated into the ISRS.

### **Evaluation**

The evaluation section shall be brief but reflect a complete picture of the social and personal dynamics of the inmate's behavior. This section shall also include an evaluation of the inmate's reaction to authority figures, adjustment to confinement, and attitude and behavior as observed by reception center staff. Facts included in other sections or reports should not be repeated except where needed for illustration. Predictive statements shall be clearly supported by the evaluation. The evaluation shall emphasize present functioning, attitudes and behavior, with historical facts referenced only to provide insight to the inmate's present situation. Include a brief summary of the individual's overall strengths, weakness, and prospects for both the near and distant future. For PC 1203.03 cases, the evaluation shall be the last section and shall include a recommendation to the court.

### **Reentry**

This section shall only be completed in the reception center if the inmate has six months or less to parole or is assigned to the center's permanent work crew. Describe the inmate's plans and resources for employment and residence and any special needs or concerns.

### **Transfer Classification Score**

Enter the inmate's classification score from the CDC Form 839, Classification Score Sheet, or CDC Form 840, Reclassification Score Sheet. Designate any suffix, such as "R" (sex crime) or "S" (single cell housing) and indicate the reason.

### **Community Correctional Facility Eligibility**

Indicate if the inmate's case factors are consistent with eligibility criteria for community correctional facilities. Specific focus will be on work furlough, if the inmate is within six months of the 1/3 EPRD and on RTC facilities, as defined in PC 2910.5, if the inmate is within eighteen months of the EPRD. In addition, female inmates will also be identified for eligibility for the Community Prisoner Mother Programs (CPMP). Conclude the section by indicating each type of program for which the inmate is eligible and interest in the programs, if eligible.

### **Institution Recommendation**

The Penal Code requires that placement in an appropriate institution nearest to where the newly committed inmate's parents, spouse or children lived at the time of commitment be considered unless factors, such as classification criteria, availability of beds or time to serve, make such placement unreasonable. Indicate the institution the inmate requests, if any, whether it qualifies as closest to the home address and any obstacles or benefit from granting the request. Indicate the institution or community correctional facility recommended and one alternate. Provide the reason for the recommendations, not just the score/level.

### **Administrative Placement**

When a recommendation is made for placement in a security level different from the inmate's classification score level, indicate the reason.

### **Correctional Counselor and Date of Report**

Indicate the name and the job title of the counselor who prepared the report and the date prepared.

### **Supervisor's Comments and Recommendation**

The counselor's supervisor shall review all the material for completeness and accuracy, and indicate if they concur with the institutions recommended. If the supervisor's recommendation is different, give the reason(s). Indicate the supervisor's name and job title and the date reviewed.

#### **61030.7 Social Factors Sheet**

A social factors sheet shall be prepared at the reception center on all new commitment process cases and is a part of the summary.

#### **61030.8 CSR Review**

All aspects of the processing shall be completed prior to the CSR's review. The reception center staff shall provide the CSR with a blank CDC Form 128-G, Classification Chrono, upon which the inmate's name, number and the reception center have been typed. Any file from CYA or CDC discharged term used in the report preparation shall be available for the CSR's review.

#### **Documentation in C-File**

The following documents, with the pages in order, shall be clipped together in the sequence below and placed in the classification portion of the C-file for review by the CSR.

- CDC Form 128-G (for CSR transfer documentation).
- CDC Forms 839 or 840.
- ISRS or CDC Form 816.
- CDC Form 812.
- CDC Form 812-A, if required.
- Social Factors Sheet.
- POR.

All other documents in the C-file shall be filed in accordance with the DOM 72030.

Any C-Files from prior terms used in the case work-up shall be available for the CSR's review.

#### **61030.9 Reception Center Readmission Summary/CDC Form 816 (Readmission Summary)**

Parole violators RTC and with new terms (WNT) shall be processed using the Readmission Summary that is similar in format to the Cumulative Case Summary.

#### **61030.10 Case Summary/Readmission Summary/Inclusion of Late Information**

The Cumulative Case Summary's and Readmission Summary's usefulness depends upon their accuracy and completeness. In some cases, documentation may be received after the preparation of the ISRS or the CDC Form 816. When this occurs, the following procedures shall be followed:

##### **Reception Center Late Information Processing**

The CCRM is responsible for incorporating all available late legal documents into the C-file prior to the inmate's transfer. Clinical material and non-legal documentation arriving after completion of the Cumulative Case Summary shall be reviewed by the counselor who completed the original report or a supervising counselor.

If the material warrants modification of the case factors, the counselor shall up-date the C-file. This shall be accomplished by having the ISRS retyped, rewriting the CDC Form 816 or by including an addendum following the supervisor's comments. The counselor shall also correct CDC Forms 839, 840, 812, and 812-A and other documents as needed.

If information is received after CSR endorsement that could contraindicate transfer to the facility endorsed, the information shall be immediately evaluated and the case resubmitted to a CSR with a new recommendation, and the reasons.

##### **Information Arriving After Transfer**

When the inmate has transferred, legal documents shall be forwarded to the attention of the CCRM at the receiving institution. Non-legal documents received after the inmate has been transferred shall be forwarded to the CC-III or C&PR at the receiving institution with a notation that the "material has not been included in the Cumulative Case Summary". Non-legal documents include C-file material from discharged terms, statements pursuant to PC 1203.01, letters from victims or next of kin and letters from law enforcement agencies or defense attorneys.

##### **Institutions' Late Information Processing**

The counselor at the receiving institution shall review the supplemental information and update the new C-file as necessary. This may require a change in the classification score, institution placement, enemy information (CDC Form 812) or confidential information. If the inmate's classification score level or the placement appears inappropriate for some other reason, the case shall be referred to a CSR by the classification process for transfer review.

#### **61030.10 Revisions**

The Deputy Director, Institutions or designee, shall ensure that the content of this section is current and accurate.

#### **61030.11 References**

PC §§ 273(a) and (d), 1203.01, 1203.03, 3002, 5068.

CCR (15) § 3377.1.

## **ARTICLE 4 — PRESENTENCE DIAGNOSTIC STUDY**

*Effective October 25, 1989*

### **61040.1 Policy**

Pursuant to PC 1203.03, persons placed with the Department shall be evaluated by staff for a pre-sentence diagnostic study.

### **61040.2 Purpose**

This section establishes standard procedures for the acceptance and processing of PC 1203.03 cases requiring a pre-sentence diagnostic study.

### **61040.3 Pre-sentence Diagnostic Study**

#### **Authority**

P.C. 1203.03 permits courts to temporarily place defendants convicted of an offense, punishable by imprisonment in state prison, in facilities of the Department for purposes of diagnosis and treatment.

### **61040.4 Reception Center Delivery**

Persons committed for diagnosis shall be delivered by the county sheriff to the reception centers at the CIW, CIM, and CMF for PC 1203.03 processing.

A copy of the court order committing the individual to the Department is required before the person may be accepted. The copy must meet two of the following three requirements:

- Signed by a judge.
- Bear the seal of the court.
- Certified by the county clerk.

A CDC Form 123, Body Receipt, shall plainly indicate that the person was "received for diagnosis" and not "received from court."

The reception center's CCRM shall maintain a record of PC 1203.03 workload and maintain a log of referrals by name, commitment offense, county of commitment and the date received.

### **61040.5 Rejection of Cases**

Cases may be rejected when The Director determines that the Department's staff or facilities cannot adequately provide services. Any proposed rejection of cases shall be referred to the Director. However, the authority to reject the following specific cases is delegated to reception center AW.

Chronic or acute medical/psychiatric cases which necessitate intensive care, such as those who are in need of specialized treatment like dialysis or who have a mental illness of such magnitude that psychiatric hospitalization is required.

Cases where the background information necessary to conduct an appropriate evaluation is inadequate. These include cases referred without a POR or minus other documentation such as an arresting officer's report.

### **61040.6 Length of Observation**

PC 1203.03 provides for a maximum 90-day observation period; however, the diagnostic report shall be completed and transmitted to the court within 23 working days of reception except in unusual circumstances.

#### **Medical Extensions**

When it is determined that a person is suffering from a treatable condition and more than the 90 day period is necessary to treat the condition, the reception center administrator may petition the court, with the person's signed consent attached, to extend the period. If the court finds the petition appropriate, it can order the extension and transmit a copy of the order to the Director.

### **61040.7 Reporting to OBIS**

All PC 1203.03 cases received shall be entered into the OBIS Institution Movement Subsystem as a new admission.

When the individual is returned to the court, the case shall be entered into the OBIS Institution Movement Subsystem as a discharge and shall include the Department's recommendation to the court.

### **61040.8 Diagnostic Study Format**

The diagnostic summary in these cases shall consist of a case summary preceded by a short summary report that will be prepared by the Correctional Counselor, and staff psychiatrist/psychologist in accordance with the approved format in the DOM 61030.

#### **61040.8.1 Identifying Information**

This section shall begin with the following paragraph.

"A diagnostic study and recommendation under the provisions of PC 1203.03 has been requested in the case of (Name), (County Court Number), (CDC Number)".

"This evaluation was prepared with the objective of assessing the defendant's potential for functioning successfully on probation or under other supervision and the level of threat to the community if he/she should fail to live up to that potential. It has not focused on the issue of deterrence, nor of punishment; those are factors which are not responsive to the interview and evaluation format of the PC 1203.03 process".

The remainder of this section shall include the age of the defendant, date received in the Department, name of court, county and on what charge.

Any specific questions or requests by the court shall be identified and listed in this section.

#### **61040.8.2 Recommendation to the Court**

Short summary of instant offense and brief recap of criminal history.

This section shall be confined to specific recommendations of the Department staff. All recommendations shall begin with the words, "It is respectfully recommended to the honorable court that . . ." In those cases recommending probation, the specific recommendation shall begin with the phrase, "If eligible for

probation..." Conditions of probation may be recommended. Where possible, they will be based on knowledge of the county's resources and contain alternate suggestions for the court's consideration.

#### **61040.8.3 Reasons for Recommendation**

Provide in sufficient manner the salient factors contributing to the recommendation. Avoid listing information in the case summary, except when it contributes significantly to the recommendation. Make certain that any specific questions or requests from the referring court are fully answered. If the study suggests solutions beyond the scope of the court's expressed concern, the judge should be contacted and the matter discussed with them for clarification prior to the preparation of the written report. These summary reports shall be dated and signed by the reception center AW. Should the recommendation involve a difference of opinion among the staff, this shall be indicated in the letter as well as the procedure by which the difference of opinion was resolved.

#### **61040.9 PC 1203.03 Cases, Case Summary Preparation**

The case summaries prepared for PC 1203.03 cases shall be identical to the regular felony case summaries. See DOM 61030.

All procedures that apply to regular felony commitment cases apply to pre-sentence diagnostic cases. For example, if a person received a rules violation report while undergoing the 90-day study, this shall be recorded in the C-File and, if the person is returned under a felony commitment, reflected in subsequent reports in the same manner as for all commitments.

#### **Psychological Report**

A psychological evaluation may be prepared on PC 1203.03 cases.

#### **61040.10 Transmittal to the Court**

The study shall be reviewed by the reception center administrator before transmittal to the court. Cases that present unusual problems or raise new questions shall be referred to the Chief, Classification Services, before submitting them to the court. The AW shall also ensure that the report calls attention to the following sections, if applicable.

##### **61040.10.1 CYA/Mental Health Reports**

The individual is currently under commitment to the Department, CYA or the California DMH, and a progress report of the last six months is available.

##### **61040.10.2 Pending Charges**

The individual has felony charges pending in another court, or is currently on probation or parole from another jurisdiction and is subject to revocation as a result of the current offense.

##### **61040.10.3 Master Report**

Reception center staff shall prepare the original of the study and send four copies to the court by first class mail to arrive before the individual is returned. The original shall be retained at the reception center for six months after submission to the court at which time it shall be forwarded to the Archives Unit at CMF, where it shall be retained for two and one half years.

##### **61040.10.4 Transmittal Letter**

A standard transmittal letter shall be used to transmit the study to the court (refer to DOM 61030).

##### **61040.10.5 Information Disclosure**

Copies of the study issued to the court will be served upon the defendant or their attorney, the probation officer and the prosecuting attorney by the court and shall not be disclosed to anyone other than departmental employees without the consent of the defendant.

Diagnostic cases remain under the jurisdiction of the court therefore the requirements of "In re Olson" are accomplished by the court.

##### **61040.11 Former Diagnostic Cases ("Z" Cases)**

When a former PC 1203.03 case is returned to court, discharged and then recommitted to the Department to serve a sentence for the original felony conviction, reception center staff shall:

- Insert the new prison number wherever the PC 1203.03 "Z" case number is found.
- Prepare a case summary update in accordance with DOM 61030.

##### **61040.12 Revisions**

The Deputy Director, Institutions, shall ensure that the content of this section is current and accurate.

##### **61040.13 References**

PC § 1203.03.



## ARTICLE 5 — CLASSIFICATION PROCESS

*Effective October 25, 1989*

### **62010.1 Policy**

Statute authorizes the Director to maintain a continual diagnostic and prescription process involving a systematic study of each inmate's case considerations while confined to the Department.

The goals of the inmate classification system are:

- Placement of inmates in the lowest custody level consistent with case factors and public safety.
- Place inmates according to their classification score based on objective information and criteria unless case factors or departmental requirements indicate otherwise.
- Application of the classification process uniformly for all inmates in similar situations.
- Provision for centralized control over the classification process.
- Maintenance of an ongoing classification system information data base for departmental research and evaluation.

All decisions affecting an inmate's institutional placement, participation in programs and degree of custody shall be through the classification process.

### **62010.2 Purpose**

The purpose of this procedure is to provide a systematic process for the programming, housing and custody decisions used in the management of inmates.

### **62010.3 Responsibilities**

All classification actions are based on the authority of the Director who delegates functions to specific officials. A listing of these officials and functions are as follows:

#### **62010.3.1 Headquarters Staff**

Functions of headquarters staff include, but are not limited to, the following:

##### **Chief Deputy Director**

##### **Deputy and Assistant Deputy Director, Institutions**

- Acts in all classification matters on behalf of the Director.
- Responsible for the general supervision of the classification process.
- Supervise the Chief, Classification Services.
- Members of the Departmental Review Board (DRB).
- Review cases referred by the Chief, Classification Services.
- Authorize special transfer orders.
- Approve exceptional temporary community releases.

##### **Chief and Assistant Chief, Classification Services**

- Responsible for operational supervision of the classification process.
- Supervise the CSRs.
- Members of the DRB; present recommendations, record and implement DRB decisions.
- Review CSR decisions upon request of a Warden.
- Arrange special research and surveys of classification matters.
- Review cases referred by CSRs.

##### **CSR's**

- Represent the Classification Services Section carrying out the Director's classification policies and procedures.
- Review, approve, modify or disapprove inmate special housing programs and treatment category designations as recommended by institution staff.
- Act as liaison between central office and institutions in classification matters.
- Coordinate and maintain waiting lists for specific special housing and treatment categories.
- Approve receipt of CYA and California DMH cases, and coordinate and endorse the transfer of department inmates to those departments.
- Conduct special audits and reviews of classification committee actions to determine that departmental policy is being followed.
- Review and prepare letters for the Director to courts on PC 1170(d) cases.
- Designate on CDC Form 128-G, Classification Chronos "Special/Public Interest" cases.

#### **62010.3.2 Institution Staff**

The functions of institutional staff include, but are not limited to, the following:

##### **Wardens, Chief Deputy Wardens**

- Responsible for institutional classification process.

- Approve off-reservation work assignments, community betterment, and disaster relief crews. Authorized to sign orders for removal of inmates in time of specified disasters and/or temporary community release.
- Submit DRB and PC 1170(d) reports.

#### **RPAs**

- Responsible for operational supervision of reentry classification process.
- Designates the chairperson of classification committees.
- Reviews complex cases and resolves difference of opinion cases.

#### **AW**

- Approve camp eligible lists, as well as housing and assignments outside of the security area.
- Member of the institution classification committee (ICC).
- Responsible for the classification of inmates assigned to their division.

#### **Reception Center Administrators**

- Responsible for the reception center classification process.
- Make recommendations to the sentencing court pursuant to PC 1170(d) and 1203.03.

#### **C&PR**

C&PRs duties include, but are not limited to:

- Planning, organizing, and directing the total institutional classification process on behalf of the Warden.
- Ensures the quality of classification chronos, BPT reports, release program studies, and DRB reports.
- Effects staff adherence to classification policies, procedures, and goals.
- Establishes a system to ensure that post-board classification is conducted.
- Provides ongoing training for counseling staff.
- Serves on classification committees.
- Provides liaison between the institutions, P&CSD, BPT, and Classification Services.
- Coordinates and manages the records office operation.
- Signs CDC Form 161s, Checkout Orders.
- Exercises the duties of a CSR for intra-facility transfers.
- Reviews, approves, and signs CDC Form 611s, Release Program Studies (RPS).
- Approves/declassifies confidential information.

#### **Captains**

Captains in an institution are responsible for planning, organizing and directing a program for the unit's classification of inmates. This includes, but is not limited to, the following:

- Ensure the classification of all inmates assigned to their unit.
- Sign all transfer chronos, CDC Form 128-G.
- Act as classification hearing officers on cases placed in AD-SEG.
- Serve as members of the ICC and appropriate subcommittees.

#### **Supervising Counselors (CC-II, CC-III)**

Supervising counselors' duties include, but are not limited to, the following:

- Instruct and assist in training CC-Is and case work trainees.
- Assign, review, and control the quality of work prepared by CC-Is and trainees.
- Assist counselors on difficult cases by utilizing case conferences.
- Participate as a member in the classification process.
- Audit CDC Forms 839 and 840, Classification Score Sheets.
- Schedule and coordinate all unit classification committees (UCCs).
- Prepare and/or review institutional staff recommendation and readmission summaries (reception center).

#### **CC-I**

CC-I's shall:

- Collect and evaluate social, behavioral and educational data on inmates as well as evaluating the inmate's adjustment to an assigned program.
- Prepare the following:
  - CDC Forms 839 and 840.
  - CDC Form 812, Notice of Critical Case Information - Safety of Persons.
  - CDC Form 812-A, Notice of Critical Information - Prison Gang Information.

- Classification chronos.
- BPT reports.
- Narcotic evaluation reports.
- RPS.
- Prepare institutional staff recommendation and readmission summaries (reception center).
- Prepare DRB, PC 1170(d), and 1203.03 reports.
- Prepare the C-File for attorney and other legal reviews.
- Attend classification committees.
- Provide individual and group counseling as needed.

#### **62010.4 Considerations**

The following considerations shall be utilized in classification committee hearings:

##### **General**

- Inmates shall be present at initial classification hearings and at other classification committee hearings which may result in an adverse effect upon their conditions of confinement, except for declared emergencies which temporarily prevent the application of classification rules.
- Security requirements, departmental needs, the inmate's program needs and classification score are primary factors which affect institution and program placement.
- Reclassification shall be an ongoing process of evaluating the inmate's needs, interests and desires, keeping in mind individual, security, and public safety.
- When a recommended transfer/program is deferred, the alternative shall provide for maximum program opportunities where possible.
- Classification scores shall be recalculated at least every 12 months.

##### **62010.4.1 In Absentia Hearings**

In absentia hearings are authorized under the following circumstances:

- The inmate refuses to appear before the committee.
- The inmate is physically incapable of appearing before the committee or is determined by a psychiatrist to be mentally incompetent to participate and understand the purpose of a hearing.
- The hearing is scheduled to improve the inmate's conditions of confinement by reduction or removal of a restriction previously imposed on the inmate.
- The hearing is to approve an action requested in writing by the inmate.
- The purpose of the hearing is for routine progress review to determine if future classification committee hearing should be scheduled.

When an in absentia hearing is held for any reason, that fact and reason shall be documented on a CDC Form 128-G.

##### **62010.4.2 Inmate Notices**

Whenever possible, the inmate shall be given written notice of the date and purpose of the hearing. The notice should allow a reasonable period of preparation to discuss the issues to be considered.

Temporary emergency actions may be taken without prior notifications. Emergency lockups and transfers shall not require advance notice, but the inmate shall have the opportunity to present information at the next classification hearing following the action. The reasons for the action shall be given to the inmate in writing as soon as possible after the action was taken and before the appearance (Refer to the DOM 62050.10, Special Housing Assignments).

##### **62010.4.2.1 Adverse Effect**

Substantially, adverse effects are:

- Involuntary transfer to a higher level institution not commensurate with the inmate's classification score.
- Increased custody level.
- Involuntary placement in segregated housing.
- Involuntary removal from an assigned program.
- Placement in a reduced work credit group.

##### **Classification Actions**

Classification actions that may result in adverse effect require:

- Written notice to inmate of proposed action and reasons for the action at least 72 hours prior to the hearing.
- Delay of the hearing at least 72 hours at the inmate's request when an adverse action is proposed at a classification hearing. If the action cannot be postponed, a CDC Form 128-G will document the reasons. If the inmate waives the 72-hour period, the waiver shall be documented on the CDC Form 128-G.
- A counselor/staff assistant may be requested by the inmate to prepare a defense or understand the issues involved in cases not requiring immediate action.

##### **Notice**

When a classification hearing includes the consideration of a newly calculated or recalculated classification score, the inmate shall be provided with a copy of the completed form at least 72 hours in advance of the hearing. The inmate may contest the classification score in the hearing and may appeal the score and hearing results.

Form of notice:

- The person referring the inmate to classification shall prepare the CDC Form 128-B-1, Notice of Classification Hearing.
- A copy of the CDC Form 128-B-1 will act as notification when presented to the inmate.
- If the inmate has been served with a CDC Form 114D, Order and Hearing for Placement in Segregated Housing, it is not necessary to complete a CDC Form 128-B-1.

#### **62010.4.3 Suffixes**

Suffixes shall be applied to degrees of custody to identify inmates with special restrictions or designations.

##### **62010.4.3.1 "R" Suffix**

"R" suffixes applied to inmates are intended to limit their opportunity to escape, or re-offend while in custody.

##### **Restrictions**

When housed in a Level I facility, Level I inmates with "R" suffixes shall only be housed at:

- CCI-I.
- California Men's Colony-West.
- Correctional Training Facility-South.
- CCC-I.
- Sierra Conservation Center-I.

They shall not be assigned outside of the security perimeter without direct constant supervision.

Inmates convicted of, or when the commitment offense includes any of the following listed offenses shall have an "R" suffix applied at the reception center. This includes out-of-state convictions equivalent to California law.

Inmates arrested, detained or charged with any of the listed offenses, or the equivalent, shall be carefully evaluated for an "R" suffix at the receiving institution and presented to a classification committee within six months of reception. The committee shall consider the arrest reports and DA's comments related to each such arrest and document their determination on the CDC Form 128-G.

##### **"R" Suffix Offenses**

"R" suffix offenses:

- PC 220, assault with intent to commit rape, sodomy, oral copulation, rape in concert with another, lascivious acts upon a child, or penetration of genitals or anus with foreign object.
- PC 261, rape.
- PC 262, rape of spouse.
- PC 264.1, rape or penetration of genitals or openings by foreign object; acting in concert by force or violence.
- PC 266(b), abduction to live in an illicit relation.
- PC 285, incest.
- PC 286, sodomy.
- PC 286.5, sexually assaulting an animal.
- PC 288, lewd or lascivious acts with child under 14.
- PC 288(a), oral copulation.
- PC 289, penetration of genital or anal openings by foreign object, etc.

UCC's shall refer cases to ICC when they find an inmate may no longer need an "R" suffix. ICC may request recommendations from medical or psychiatric departments before taking an action on the UCC request.

"R" suffixes removed or considered and not applied shall not be designated by another institution. If the receiving institution disagrees, it shall submit the case for DRB review.

##### **62010.4.3.2 Other Suffixes**

Institutions may apply:

- "S" suffix to identify inmates requiring single cell status.
- "X" suffix to identify inmates approved and assigned to designated disaster relief teams.
- "ORWD" suffix to identify inmates approved for off-reservation work detail/community betterment assignments.
- Miscellaneous suffixes for special internal designations outside the formal classification process for management purposes.

##### **62010.4.3.3 Special Public Interest Cases**

Inmates shall be identified as public interest cases when the crime, circumstances of the offense, or subsequent conduct results in unusual public concern as evidenced by extensive media coverage beyond the local community.

##### **Criteria**

Cases may include execution type murders, multiple murders or the mutilation of victims. Consideration should also be given to inmates who were originally sentenced to death or life without the possibility of parole.

##### **Identification**

Reception center counselors shall indicate in the institution staff recommendation summary (ISRS) of new process cases that the case meets criteria for public interest case designation. The reviewing counselor shall recommend this designation in the supervisor's recommendation section of the ISRS.

UCC/ICC's shall identify cases at the time of initial or at any subsequent classification actions when it is determined that cases warrant this designation. The CDC Form 128-G recording the committee action shall reflect the inmate's public interest case status.

All cases identified by reception center or institution staff shall be referred to a CSR for endorsement as a public interest case.

CSR's endorsing cases as public interest cases shall record this designation on the CDC Form 128-G. All subsequent classification actions shall reflect this status on the documenting CDC Form 128-G in the space directly below the inmate's custody designation.

#### **Recording**

Cases endorsed by a CSR as public interest case shall be referred to the CCRM by the reception center CC-III or the institution C&PR upon endorsement.

The CCRM shall ensure that the designation "Public Interest Case" is entered in red ink on the CDC Form 112, Chronological History and CDC Form 144, Control Card. This entry will reflect that notification of the Assistant Director, Communications is required.

#### **Notification**

The C&PR shall ensure that the CDC Form 611 reflects the inmate's public interest status at the time it is forwarded to the P&CSD. At this time, a copy of the CDC Form 611 and any appropriate supporting documentation, i.e., POR, shall be forwarded by the C&PR to the DPIO.

Following a review of case factors by the DPIO, information related to the release of an inmate designated a public interest case shall be forwarded by the DPIO to the Director and the California YACA, if appropriate. The DPIO may be contacted for information related to media interest in public interest cases.

#### **62010.5 Classification Scoring System**

The classification scoring system provides a standard evaluation for placement of inmates at the least restrictive institution, commensurate with their custodial requirements. Inmates are placed in institutions which are designated by custody levels IV (highest) to I (lowest), and they are encouraged with positive incentives to reduce their scores to permit transfer from higher custody facilities to those which have increased privileges, movement and programming. The classification scoring system determines each inmate's custody level in relation to others for optimum use of departmental facilities. An inmate's score may change based on individual behavior and specific case factors.

The Department may classify, transfer and house inmates apart from the classification scoring system when necessary to ensure staff, inmate and public safety. Exceptions shall be clearly documented on a CDC Form 128-G.

#### **62010.6 Institution Classification Levels**

Each camp, institution, facility or area of an institution complex is designated at a classification level based on its security and housing capability. Reception centers are exempted from level designations except for assigned work crews.

- Level I institutions and camps consist primarily of open dormitories with relatively low security perimeter.
- Level II institutions consist primarily of open dormitories with a secure perimeter and armed coverage.
- Level III institutions primarily have outside cell construction with a secure perimeter and armed external coverage.
- Level IV institutions have inside or outside cell construction with a secure perimeter, and both internal and perimeter armed coverage.

Institution Designations:

<b>Institution</b>	<b>Level</b>
<b>CCC</b>	
Lassen Unit	III
Sierra Unit	II
Cascade Unit	I
Outside Modules	I
Camps	I
<b>SCC</b>	
Tuolumne Unit	III
Mariposa Unit	II
Calaveras Unit	I
Camps	I
<b>CCI</b>	
Unit IV-A	IV
Unit IV-B	IV
Unit III-Reception Center (for work crew only)	III
Unit II	II
Unit I	I
Camp (Cummings Valley)	I
<b>CTF</b>	
Central	III
North	III
South	I
<b>DVI</b>	
Level	III
Minimum (Satellite)	I
<b>FSP</b>	
Minimum	I
Minimum Unit	I
<b>SAC</b>	
Facility A	IV
Facility B	IV
Facility C	IV

<b>CIM</b>		
	Main	I
	Reception Center-Central (For Work Crew Only)	III
	Reception Center-West (For Work Crew Only)	II
	East	III
<b>CMC</b>		
	East	III
	West I/II/IV	I/II
	III Camp (Cuesta)	I
<b>CIW</b>		
	Levels	III/IV
<b>NCWF</b>		
	Levels	II/III
<b>SQ</b>		
	Main	II
	Modulars	II
	Minimum	I
<b>CMF</b>		
	Main	II/III
	Northern Reception Center (For Work Crew Only)	I
	Minimum (Satellite Dorm)	I
<b>SOL</b>		
	Level III Complex	III
	Facility I	III
	Facility II	III
	Level II Complex	II
	Facility III	II
	Facility IV	II
<b>CRC</b>		
	Level	II
	Camp (Norco)	I
<b>ASP</b>		
	Facility 1	II
	Facility 2	II
	Facility 3	II
	Facility 4	II
	Facility 5	II
	Facility 6	II
<b>RJD</b>		
	Facility 1	III
	Facility 2	III
	Facility 3	III
	Facility 4	III
	Minimum Unit	I
<b>MCSP</b>		
	Facility A	III
	Facility B	III
	Facility C	III
	Minimum Unit	I
<b>CVSP</b>		
	Facility A	II
	Facility B	II
	Facility C	II
	Facility D	II
<b>PBSP</b>		
	Facility A	IV
	Facility B	IV
	Facility C	IV
	Facility D	IV
	Minimum Unit	I
<b>COR</b>		
	Facility III A	III
	Facility III B	III
	Facility IV A	IV
	Facility IV B	IV
	Minimum Unit	I

#### 62010.6.1 Classification Score

The inmate's classification score shall be used as a primary factor to determine the level of institutional placement. The establishment of the inmate's actual custody shall be the responsibility of the classification committee.

## **62010.6.2 Classification Score Ranges**

Inmates within the following range of classification scores shall be placed in an institution that is designated at the level indicated.

<b>Score</b>	<b>Level</b>
0-18	I
19-27	II
28-51	III
52+	IV

## **62010.7 Administrative Determinants**

Administrative necessity such as institutional security, public safety issues and availability of housing may occasionally require placement at a facility that does not correspond with the inmate's classification score. In these cases the alternative placement/program will provide the maximum benefits permitted under the circumstances.

### **62010.7.1 Degrees of Custody**

#### **General**

Classification committees at each institution shall assign a degree of custody to each inmate.

Wardens are responsible for determining degrees of custody most appropriate for use at their institution.

### **62010.7.2 Implementation**

Each inmate shall be assigned the degree of custody that provides for their housing, assignment/activity and supervision needs.

Institution requirements may necessitate additional local designations, but shall conform to the Department's requirements for each degree of custody used.

The senior custodial officer on duty may designate the initial custody for new arrivals and may temporarily increase an inmate's custody at any time it becomes necessary to protect the security and good order of the institution. Such actions shall be reviewed and custody assigned by a classification committee at the next regular meeting.

Any reduction of an inmate's custody shall be by classification committee action.

### **62010.7.3 Custody Designations**

The following are the degrees of custody approved for use in the Department.

#### **Maximum A**

Housing. Single cells (when possible) or other areas designated as security or approved specialized housing units.

Assignments/Activities. Confined to the security or approved specialized housing unit.

Supervision. Direct and constant.

#### **Maximum B**

Housing. Single cells (where possible) or other areas designated as security or approved specialized housing units.

Assignments/Activities. Confined to the security or approved specialized housing unit except for movement to and from external activities authorized for the unit.

Supervision. Direct and constant.

Every inmate confined in a SHU shall be assigned Maximum A or B custody. Inmates who are not housed in a specialized unit shall not be assigned maximum custody.

#### **Close A**

Housing. Celled housing in areas designated and maintained for higher security needs within the general population. This custody designation shall be used only at institutions with a secure perimeter.

Assignments/Activities. Permitted during daylight hours only and limited to designated close security areas at non-walled institutions and to the main security areas in walled institutions.

Supervision. Direct and constant.

#### **Close B**

Housing. Celled housing in secure areas designated for Close B custody.

Assignments/Activities. Within the security perimeter during daylight hours only, except for limited evening activities such as bathing and haircuts within the assigned housing unit.

Supervision. Constant and direct.

#### **Medium A**

Housing. Cells or dormitories within the security perimeter.

Assignments/Activities. Within the security perimeter.

Supervision. Frequent and direct.

#### **Medium B**

Housing. Cells or dormitories within the security perimeter.

Assignments/Activities. Within the security perimeter. Eligible for daytime assignments outside the security perimeter, but on prison grounds.

Supervision. Frequent and direct inside the security perimeter. Direct and constant outside the security perimeter.

## **Minimum A**

Housing. Cells or dormitories within the security perimeter.

Assignments/Activities. Eligible for designated assignments inside or outside the security perimeter.

Supervision. Must be observed no less than hourly if assigned outside the security perimeter. Adequate supervision of the inmate's location to ensure their presence if assigned inside the security area.

## **Minimum B**

Housing. Cells or dormitories on prison grounds and/or in a camp setting.

Assignments/Activities. Eligible for off-reservation work detail/community betterment and camp assignments.

Supervision. Adequate supervision of the inmate's location to ensure their presence. Shall be counted no less than four times each 24 hours.

### **62010.8 Institutional Classification Committees**

All decisions affecting transfer, program participation, supervision, security, housing, and safety of persons, shall be made by a classification committee composed of staff knowledgeable in the classification process. A chairperson and any two members of any committee shall comprise a quorum except for reentry classification actions.

Decisions of classification committees shall be documented on a CDC Form 128-G and a copy given to the inmate.

#### **62010.8.1 Institution Classification Committee (ICC) Functions**

ICC's shall:

- Review inter-institutional transfer recommendations in problem cases where departmental or public welfare is at stake.
- Review all cases referred by subcommittee.
- Refer cases to the Chief, Classification Services, or the DRB for resolution/action including recommendations to grant an inmate additional reduction of sentence pursuant to PC 2935.
- Review the altered status of each inmate placed in segregated housing at the time of initial placement and at regular intervals thereafter in accordance with the CCR 3335.
- Approve or deny disciplinary credit losses and inmate requests for credit restoration of Division A-1, A-2, and B offenses in accordance with CCR 3327. This action shall serve as the first level of appeal review.

#### **62010.8.2 ICC Authority**

The ICC is delegated the primary authority for all classification actions within the institution.

#### **Composition**

ICC's shall consist of:

- Warden or Chief Deputy Warden (chairperson).
- AW (alternate chairperson).
- Psychiatrist or physician.
- Captain.
- CC-III or CC-II (committee recorder).
- Captain.
- Assignment lieutenant.
- Educational or vocational program representative.
- Other staff as required.

#### **62010.8.3 Initial Classification Committee**

Each institution shall establish an initial classification committee to review and initiate a suitable program for each inmate within 14 days after arrival at the institution.

#### **Composition**

Initial classification committees shall consist of:

- Captain (chairperson).
- CC-III or captain (alternate chairperson).
- CC-II or CC-I (committee recorder).
- Assignment lieutenant.
- Educational or vocational program representative.
- Other staff as required.

#### **Functions**

Initial classification committees shall:

- Initiate an educational, vocational training, or work program and privilege group designation.
- Evaluate case factors and assist the inmate to understand institution expectations, available programs, and resources.
- Designate the degree of custody necessary to control the inmate.



- Refer complex cases to the ICC.
- Recommend transfer of a new arrival determined to be inappropriately placed.
- Grant worktime credits to which the inmate is entitled while in transit.

#### **62010.8.4 Unit Classification Committee (UCC)**

Each program unit shall establish a UCC to provide routine classification of inmates. Those institutions without organized program units shall establish equivalent committees.

##### **Composition**

UCC's shall consist of:

- Captain (chairperson).
- CC-III or captain (alternative chairperson).
- CC-II or I (committee recorder).
- Program lieutenant.
- Educational/vocational representative.
- Other staff as required.

##### **Functions**

UCC's shall:

- Review each inmate's case at least annually to consider the accuracy of the inmate's classification score, custody designation, program and institution placement which includes recommendation for transfer.
- Conduct post board classification on an inmate within 15 days of receipt of official notice of a BPT decision regarding the inmate.
- Act on disciplinary credit losses on cases for Divisions C, D, E, and F which will serve as the first level of appeal review.
- Approve or deny an inmate's request for restoration of forfeited credits for Divisions C, D, E, and F offenses in compliance with CCR 3327.
- Change an inmate's privilege group.

#### **62010.8.5 Camp Classification Committee**

Each conservation camp shall establish a camp classification committee to provide routine classification for inmates assigned to the camp program.

##### **Composition**

Due to the isolation of most conservation camps, the presence of a captain, to act as chairperson is not required. A chairperson and two members shall comprise a quorum for camp classification hearings.

- Lieutenant (chairperson).
- CC-I (chairperson or alternate chairperson).
- Sergeant.
- Staff representative of camp contracting agency.

##### **Functions**

Camp classification shall:

- Perform routine classification of inmates assigned to the camp programs including all functions designated for UCCs.

#### **62010.8.13 Reentry Classification Committee**

Each reentry/work furlough facility shall establish a reentry classification committee to provide for routine classification for inmates assigned to a reentry work furlough program.

##### **Composition**

- PA (chairperson).
- PA-III (unit supervisor/center manager reentry coordinator) (alternate chairperson).
- PA-II (reentry specialist).

##### **Functions**

Two members constitute a quorum. Due to distance considerations, the committee will not usually sit en banc. The reentry specialist will complete necessary CDC Form 128-G and forward to committee members for appropriate signatures/approval.

- Document inmate misconduct and affirm, modify, or reject any action taken.
- Review disciplinary actions where worktime credits were lost/denied and to act as inmate's first level of appeal review.
- Restore lost credits, where appropriate, for disciplinary violations.

#### **62010.9 Classification Committee Responsibility Due Process**

Each classification committee shall:

- Inform the inmate of the purpose of the hearing and introduce committee members.
- Encourage the inmate to participate in the hearing discussion.
- Make decisions based on evaluation of available information and mutual agreement of the committee members.

- Inform the inmate of the decision.

#### **62010.9.1 CDC Form 128-G, Classification Committee Documentation Requirements**

Each classification committee shall:

- Prepare a recording of the hearing on a CDC Form 128-G.
- Issue a copy of the CDC Form 128-G to the inmate.

The documentation of each classification shall include:

- The action taken.
- The date of the action.
- The specific reason(s) for the action(s) including the information upon which the decision was based.
- The names of staff who participated in the decision.
- The name of the chairperson of the committee taking the action.
- The name and signature of the person recording the action.

#### **62010.10 Departmental Review Board**

The DRB serves as the final reviewing authority for classification issues when placement decisions are appealed to headquarters or when policy clarification is needed.

##### **62010.10.1 Purpose**

This section establishes standard procedures for the resolving of all staff classification action appeals at the headquarters level by the DRB.

##### **62010.10.2 Composition**

The DRB shall consist of the:

- Deputy Director or an Assistant Deputy Director, Institutions (chairperson).
- Deputy Director, P&CSD.
- Chief, Classification Services. (Shall abstain on classification actions appealed by Wardens/Regional Administrators.)
- Chief, Medical Services when required.

##### **62010.10.3 Quorum**

The DRB meets at the call of the chairperson. Two voting members constitute a quorum.

##### **62010.10.4 Referral Criteria**

Cases shall be referred for DRB decision when:

- The Warden/RPA appeals an action of the Chief, Classification Services.
- A test case is needed to clarify the application of policy.
- Differences between BPT program placement order and departmental policies or procedures cannot be resolved.
- An out-of-state or federal prison placement is recommended.
- Meritorious credit is recommended to reduce an inmate's period of confinement pursuant to PC 2935.
- Current placement is by prior DRB action and continuing DRB responsibility for the case has not been waived.
- A headquarters level decision for placement is required because of an unusual threat to safety or public interest, i.e., commuted death row cases.

##### **62010.10.5 Process**

Cases for DRB review shall be submitted by the Warden or Regional Administrator to the Chief, Classification Services.

Because the inmate's C-file is not available to the DRB, referrals shall contain all pertinent information.

When the referral is an appeal of a CSR action, the Chief, Classification Services shall attempt to resolve the issues before presenting it to the DRB.

The Chief, Classification Services, shall evaluate, add relevant factors to be considered and provide a recommendation for cases presented to the DRB. This shall be provided on a CDC Form 128-G, which shall also provide for documentation of the DRB action.

##### **62010.10.6 Implementation**

DRB actions shall be implemented within 30 days.

##### **62010.11 Revisions**

The Deputy Director, Institutions or designee shall ensure that the content of this section is current and accurate.

##### **62010.12 References**

PC §§ 5068, 1170(d), 2935, 5054, and 5058.

CCR.

## ARTICLE 6 — RECALL OF COMMITMENT

*Effective October 27, 1989*

### **62020.1 Policy**

Inmates received by the Department may, under certain circumstances, be recalled by the sentencing court. A recall may also be initiated by the Director or the BPT.

### **62020.2 Purpose**

This section establishes standard procedures for the processing and evaluation of those inmate cases whose sentences and commitments may be reconsidered by the court under the provisions of PC 1170(d).

### **62020.3 Authority**

PC 1170(d) permits the sentencing court to recall a previously ordered sentence and commitment within 120 days of the date of sentencing and re-sentence the inmate. The court may consider a recall of sentence and commitment upon the recommendation of the Director or the BPT at any time during an inmate's incarceration.

The sentencing court has absolute discretion in recalling a sentence and commitment within 120 days of sentencing. The court is not required to request or accept the Department's diagnostic study and/or recommendation, however, departmental staff shall provide the sentencing judge a study and recommendation when requested.

### **62020.4 Recommendation of Alternate Placement**

Departmental staff shall recommend to the Director and request that recall consideration be considered for those inmates who, in the interest of justice, could be properly managed outside the Department and where alternate placement had not been explored by the sentencing court. Examples include but are not limited to:

- Naive, youthful offenders who could be sentenced to the CYA.
- Narcotic addicts who meet the criteria for commitment to the civil addict program.
- Inmates whose sentence would be better served in another jurisdiction.

Departmental staff's recommendations shall focus on the proper placement rather than the severity or length of sentence.

When an institutional recommendation for recall is determined to be inappropriate after review at the Director's level, the Deputy Director, Institutions Division shall notify the Warden of the referring institution of this decision.

### **62020.5 BPT Disparate Review**

The BPT, under PC 1170(f), shall review all cases for sentence disparity and recommend recall, if appropriate, within the first 12 months of commitment. As a matter of policy, the BPT will assume responsibility under PC 1170(d), for recommending recall of sentences that subsequently become disparate due to non-retroactive legislative changes that reduce or eliminate the criminal penalty for an offense.

### **62020.6 Director's Recall of Commitment**

The Director may recommend to the court a recall of sentence prior to the BPT's disparate sentence review when:

- The inmate is found to be suffering from a critical medical condition which is not likely to improve.
- The inmate has so changed as a person through their own efforts since being sentenced, that they would be a positive asset to the community.
- Based on changes in the inmate's situation or significant new information that was not considered by the court in pronouncing sentence.
- The commitment is definitely not typical of similarly situated offenders and presents an undue hardship on the inmate.

After the BPT's disparate sentence review, the Director may recommend a recall to the court if conditions have changed to the extent that the inmate's continued incarceration is not in the interest of justice. Diagnostic studies and/or recommendations shall take into consideration the results of the BPT's disparate sentence review.

### **62020.7 Recall Request by Private Citizen**

Requests for PC 1170(d) studies or consideration for recall by private citizens, defense attorneys or family members shall not be initiated by departmental staff.

All such requests shall be responded to promptly with a letter stating the Director's policy and directing the requesting party to the sentencing court.

### **62020.8 Court Ordered Diagnostic Study**

The court may recall a sentence within the first 120 days of commitment with or without obtaining a diagnostic study and recommendation from the Department. When an evaluation is requested, it shall assess the inmate's potential for completing probation or other alternate sentencing, and the threat posed to the community if the inmate fails to realize that potential.

When the court orders a post sentence diagnostic study [PC 1170(d)], and a pre-sentence diagnostic study (PC 1203.03) has previously been prepared, a reevaluation of the prior study's recommendation is required.

Staff assigned to prepare the PC 1170(d) report shall reevaluate all available information and recommend accordingly, rather than repeat or paraphrase the pre-sentence diagnostic study. The PC 1170(d) report shall indicate that a pre-sentence diagnostic report was prepared.

A current psychological evaluation shall be prepared if indicated. If any recommendations are in conflict, the method for resolving the conflict shall be addressed.

When the court requests a post-sentence diagnostic study within 120 days of sentencing, the Warden or reception center administrator shall communicate directly with the court.

Requests received by the institution after 120 days of sentencing shall be forwarded to the Chief, Classification Services and processed through headquarters as a Director initiated recall. The court cannot recall a sentence after 120 days of sentencing without the recommendation of the Director or the BPT.

## **Late Return of Report**

When a post-sentence diagnostic study is requested by the court to be prepared within the 120-day time limit and is late due to departmental error, the institution shall notify the court directly. A letter signed by the Warden attached to the recommendations shall indicate the reasons for the delay and because of the delay, the court may take whatever action it deems appropriate.

### **62020.9 Director's Recall (Reports)**

When an inmate meets the Director's criteria for recall to court, staff shall prepare a diagnostic study and recommendation. This report and a current psychological evaluation (if indicated) shall be reviewed by the AW and Warden. If any recommendations are in conflict, the method by which the conflict was resolved shall be described in the transmittal letter.

The completed report and institutional approval shall be attached to a transmittal letter and forwarded to the Chief of Classification Services.

Inmates shall not be transferred —except in emergencies— until the PC 1170(d) report has been completed.

### **62020.10 Recall Report Format**

Identifying Information: This section shall begin with the following two paragraphs:

"This is a diagnostic study and recommendation under the provisions of PC 1170(d) in the case of (Inmate's name), (County's Court Number), (CDC Number)".

"This study evaluates the defendant's potential for success under sentence alternatives to state prison and the threat posed to the community should the defendant not fulfill that potential. The clinical case study method does not lend itself to an adequate consideration of other issues involved in uniform sentencing".

The third paragraph of this section shall indicate the age of the inmate, date they were received by the Department, name of the committing court, county of commitment and on what charge the inmate was convicted.

Offense: This section shall include a short summary of the inmate's instant offense and criminal history.

Institutional Adjustment: Include job or assignment performance, behavior, relationships with staff and peers.

### **Recommendations**

Recommendations: This section shall address only the specific finding of department staff:

- Evaluation indicates that this case should be considered for disposition as authorized by PC 1170(d).  
— or —
- Evaluation indicates that this case should not be considered for disposition as authorized by PC 1170(d).

All recommendations for probation shall contain the qualifying statement; "to the extent probation is allowed by law".

When appropriate, conditions of probation suggested by the case evaluation may be listed in numerical order. This must be realistic in relation to the services available in the county concerned.

Reasons for Recommendations: List in order of priority the factors contributing to the particular recommendation. These may include the lack of criminal record or extensive criminal record, situational nature of offense, clinical manifestation of assaultive or hostile behavior, family or other resources awaiting the inmate in the community.

It shall also include the findings of the disparate sentence review, if completed, and, if a Director initiated recall, shall focus on the new information that justifies recall.

Release Plans: This section shall include the inmate's living arrangements, means of support and care as appropriate.

The study shall be dated and signed by the reception center's AW if it is completed during the inmate's reception processing. If the study is completed at an institution other than a reception center, the Warden or delegated AW shall sign the report. The Warden shall sign all Director initiated recall recommendations, including those that are a result of a request by the court after the 120-day period.

### **62020.11 Transmittal Letter**

The Chief, Classification Services, shall review and evaluate all transmitted material, and shall prepare the Director's transmittal letter to the sentencing court. The Chief, Classification Services, shall notify the BPT of all cases where the Director recommends a recall of commitment.

### **62020.12 Court Ordered Recall/Multiple County Commitments**

When a court requests a PC 1170(d) on an inmate also committed by another court, copies of the study shall be sent to all committing courts. The transmittal letter to the court ordering the recall shall clearly indicate in the first paragraph the additional commitments, identified by case number. It shall also indicate that copies are being sent to the other committing court(s). Similarly, the transmittal letter to the other committing court(s) shall explain that a PC 1170(d) report was completed regarding a commitment by a different court.

### **62020.13 Inmate Notification of Recommendation**

Staff who prepare the study shall inform the inmate of their recommendations. When correspondence and reports do not contain confidential information, copies shall be given to the inmate. If such reports do contain confidential information, staff shall share the general content of such reports with the inmate, omitting only the confidential information. Confidential correspondence and reports shall be so labeled, placed in the confidential folder and cross referenced to a CDC Form 128-B, General Chrono; explaining the need for confidentiality.

### **62020.14 C-File/OBIS Recording**

To provide information for subsequent evaluation of this program, PC 1170(d) transactions shall be recorded in OBIS Daily Report of Arrivals and Departures and on the CDC Form 112, Summary of Sentence Data, as follows:

- Requests for PC 1170(d) studies from a judge or the Director. Date 1170(d) PC report requested by \_\_\_\_\_ County (or) by the Director.

Transmittal of PC 1170(d) studies to the court for the Director: "Date, PC 1170(d) studies submitted to \_\_\_\_\_ County (or) to the Director recommending no change in commitment (or) recall of commitment recommended (and/or) other recommended action".

**62020.15 C-File Report Placement**

Copies of all additional material transmitted to the court shall be inserted in the case summary section of the C-File. Copies of all material sent to the Director on staff-initiated cases shall also be inserted in the same location.

**62020.16 Mailing of Material**

The above material shall be expedited to the court by first class mail.

**62020.17 Revisions**

The Deputy Director, Institutions, or designee shall ensure that the content of this section is current and accurate.

**62020.18 References**

PC §§ 1170(d), 1170(f) and 1203.03.

## **ARTICLE 7 — TRANSFERS — DMH**

*Effective October 30, 1989*

### **62030.1 Policy**

Mentally ill inmates received by the Department may be transferred to a California DMH facility for stabilizing psychiatric treatment.

### **62030.2 Purpose**

This section establishes procedures for the transfer and return of mentally ill inmates and parolees between the Department and DMH. It provides for the due process and orderly acceptance and processing in a controlled and expedient manner of those mentally ill inmates who can receive optimum benefit from treatment in a DMH facility.

### **62030.3 Transfers To DMH**

#### **Authorization**

PC 2684, 2690 and 2974 provide for transferring mentally ill inmates and parolees to DMH facilities. PC 2685 provides for returning those inmates to the Department who are no longer benefiting from a DMH placement. Parolees placed in DMH facilities for psychiatric treatment shall be released to parole after they have stabilized.

### **62030.4 PC 2684 Referrals**

#### **Criteria**

The inmate/parolee shall have 90 days or more to serve from the date of actual admission to a state hospital. Exceptions to the above may be arranged on a case-by-case basis.

Referrals shall be accepted for inmates in the following diagnostic categories only:

- A diagnosed severe psychosis or severe effective disorder, acute or chronic, requiring intensive treatment in a psychiatric hospital.
- A long-standing psychosis or effective disorder, with a history of repeated psychiatric hospitalizations prior to their current commitment to the Department, requiring long-term sub-acute treatment in a psychiatric hospital in order to facilitate their rehabilitation and eventual placement in a community treatment program.
- Requires specialized diagnosis and treatment which is available in a DMH facility but is not available in the Department.
- Request for intensive psychological/diagnostic evaluation.

Exceptions to the above criteria shall be evaluated on a case-by-case basis if there is a compelling reason for referral.

### **62030.4.1 Procedure**

A referral packet shall be prepared and sent directly to the state hospital where placement is intended. For male inmates, the packet is sent to Atascadero State Hospital (ASH); females to Metropolitan State Hospital (MSH); and parolees to the state hospital designated by DMH.

Following acceptance by the state hospital, the inmate's C-File and the original documents from the referral packet shall be presented to a CSR for transfer endorsement with the original documents listed below included.

### **62030.4.2 Referral Packet**

The referral packet shall consist of the following documents:

#### **Vitek Hearing**

- A signed waiver of a due process (Vitek) hearing for voluntary cases or certification of a due process hearing for involuntary cases. Inmates who are considered for DMH transfer shall be advised of their rights to a hearing regarding the transfer. If the inmate does not waive their right to the hearing the following requirements shall be met:
  - The inmate shall be provided written notice of a hearing to determine their involuntary placement in a mental hospital at least 72 hours before the hearing is held.
  - The hearing officer shall be the Warden or designee (AW, physician, or a member of the psychiatric staff).
  - A staff assistant, usually the inmate's counselor, shall be appointed by the hearing officer to assist the inmate in collecting, presenting and confronting evidence at the hearing. Attorney representation of the inmate shall not be permitted.
  - The findings and decision of the hearing shall include references to the evidence relied upon and the reason for the decision.

A copy of the decision shall be given to the inmate within 72 hours after the hearing and a copy shall be placed in the inmate's C-file. A copy of the decision with the following documents shall be sent to the state hospital:

- A psychiatric evaluation completed within the last three months to include whether the crime involved force and/or violence and/or great bodily injury; and whether the mental disorder was a cause or aggravating factor in the crime.
- A completed Mental Health (MH) Form 2546, Transfer Information Form, indicating the type of service requested, such as psychiatric evaluation and treatment or conservatorship investigation, preparole or discharge planning or other services.
- An institutional and/or adjustment history, including misconduct reports and security concerns.
- An Abstract of Judgment and, if available, POR.
- Supporting documents such as holds and detainers.
- Classification committee's recommendation (CDC Form 128-G, Classification Chrono) for transfer to DMH.

### **62030.5 PC 2690 Packet**

Utilization of PC 2690 is for emergency psychiatric transfers from the Department to DMH. The criteria for PC 2690 and 2684 are the same.

#### **62030.5.1 PC 2690 Procedure**

The Department's Chief, Medical Services, shall contact DMH and arrange for the PC 2690 transfer. Upon acceptance by DMH, a CDC Form 7252, Request For Authorization of Temporary Removal For Medical Treatment shall be completed and processed. The inmate shall then be transferred, and a PC 2690 referral shall be initiated, utilizing the procedure outlined in this chapter. An inmate can be placed in DMH for a period not to exceed three days under PC 2690, and for this reason PC 2684 procedure shall be expedited.

#### **62030.6 PC 2684 Procedure**

Referrals for emergency psychiatric hospitalization may be expedited using PC 2684 referral packet.

- In place of a Vitek hearing, the inmate/parolee is entitled to a certification review hearing or writ of habeas corpus in DMH facilities.
- The psychiatric report/evaluation must be no more than 30 days old.

For some parolees, PC 2684 and/or 2690 process shall be followed. Once the Vitek Hearing is held, or the waiver is signed, the case will be screened by DMH state hospital within seven working days. If accepted by a DMH state hospital, the individual shall be transferred directly to that DMH state hospital under order of the BPT from the county jail. Formal parole revocation by the BPT shall be done at the DMH facility.

#### **62030.7 Hub Institutions**

The following are designated as the hub institutions for inmates housed in the DMH facilities:

- CMF for inmates placed in Northern California DMH facilities.
- The CMC for inmates placed in Southern California DMH facilities.
- The CIW for female inmates placed in state hospitals.

The records for each inmate housed by DMH shall be maintained by the respective hub institution. The institution shall also be responsible for all contacts with the designated DMH facility to secure reports, schedule BPT hearings, and to process an inmate's parole or discharge.

#### **62030.8 Transportation**

Transportation of inmates to and from state hospitals is the responsibility of the Department. Specific arrangements shall be made by the Warden of the hub institution and the administrator of the state hospital.

#### **62030.9 Inter-Hospital Transfers**

DMH may transfer inmates between the state hospitals when it is deemed necessary. However, the administrator of the transferring hospital shall notify the Warden of the hub institution prior to any such transfer.

#### **62030.10 Escapes**

If an inmate escapes from a state hospital, the hospital director or designee shall immediately notify the Department headquarters Identification Unit of the escape. The Identification Unit shall notify appropriate institution staff who shall institute escape procedures. DMH staff may also contact institution staff directly.

Within ten working days following the escape, the Warden of the hub facility shall advise the hospital's administrator whether the inmate should be discharged from the hospital or continued on the hospital's roster.

#### **62030.11 Ground Privileges and Limitations**

Inmates at State hospitals are "in custody" and shall not leave the hospital grounds without the authorization of The Director. Any temporary community release request shall be processed in accordance with DOM 62070. At the discretion of the hospital's administrator, an inmate may be granted privileges and participate in all aspects of the treatment program within the hospital confines.

#### **62030.12 Rules and Regulations**

Inmates housed at State hospitals are subject to the CCR the same as inmates housed in correctional facilities, in addition to the receiving hospital's rules.

#### **62030.13 Returning Inmates to the Department Per PC 2685**

When it is the opinion of the hospital's administrator that an inmate has been treated to the extent that the inmate will not benefit by further care and treatment in the State hospital, the administrator shall:

- Initiate a request to the hub facility for return of the prisoner to the Department.
- The inmates shall be transported within seven working days by hub facility staff. If the inmate becomes a significant security risk or management case, the inmate shall be transported immediately by hub facility staff.

#### **62030.14 Appeal**

The Department may appeal any case that it feels was inappropriately rejected or returned by the State hospital staff. The appeal shall be referred to the Deputy Director, HCSD, who shall resolve it with the Division of State Hospitals Programs.

#### **62030.15 Sex Offender Project PC 1364**

*Revised August 30, 1993*

PC 1364 provides for a voluntary experimental sex offender treatment program wherein a selected number of male inmates may participate under the jurisdiction of DMH at ASH. PC 1364 also provides that if, after placement in the program, the inmate refuses to cooperate, is found unamenable to treatment, or requests return to the Department, he shall be returned to the Department. This program will terminate on June 30, 1995.

Criteria and selection for PC 1364 Sex Offender Program is determined through OBIS by a DMH screening team. If selected for review, an inmate shall be interviewed by the DMH screening team after a complete review of the inmate's C-File. The DMH review staff shall submit an approval letter, requesting transfer to DMH to the C&PR. The inmate is then referred to the Institution Classification Committee (ICC) for a transfer recommendation to CMC-E, which is the hub facility for PC 1364 Sex Offender Program. If recommended by ICC, the case is then submitted to the CSR for transfer approval to CMC-E. Transfer to DMH from CMC-E will be effected upon bed space availability.

#### **62030.16 PC 2970**

PC 2970 provides for the continued involuntary treatment of inmates/parolees prior to termination of parole or release if the inmate's/parolee's severe mental disorder is not in remission or cannot be kept in remission without treatment and if the inmate/parolee refused to agree to treatment as a condition of parole.

#### **62030.17 Patient Transfers From DMH-Criteria**

The W&I 7301 provides for the transfer of persons committed to a State hospital who require custodial security which can best be provided by the Department. Cases that may be considered are those committed to DMH under:

- PC 1026, where the defendant was found to have been insane at the time an offense was committed.
- PC 1368, where the question of sanity arises prior to judgment.

##### **62030.17.1 Reception**

The transfer request shall be initiated by DMH and sent to the Department's, CSU.

The case shall be forwarded to the Deputy Director, HCSD, or designee who shall determine whether or not to accept the case for treatment. If accepted, the Deputy Director, HCSD, or designee shall return the case to the Classification Services Section with a recommendation for placement.

If rejected, the case shall be returned to DMH with reasons for rejection noted.

Patients received under PC 1026, 1368, and 3700 shall be designated "health" patients. Material to be submitted by DMH to the Director for transfer consideration shall consist of the commitment information and reasons for transfer and shall also include the following information:

- Offense pattern.
- Major psychiatric diagnosis.
- Social and case histories.
- Treatment modalities.
- Response to treatment in DMH facilities.
- Reason for referral.
- Inmate's attitude toward referral, including results of the due process hearing (Vitek) or a signed waiver of the hearing.
- Current medication at the time the summary was dictated.
- Relevant medical problems.
- Relevant security or institutional problems.

Whenever a person is transferred to a Department institution pursuant to these sections; any report, opinion or certificate required/authorized to be filed with the court which committed such person to a state hospital or ordered such person placed therein, shall be prepared and filed with the court by the administrator of the institution in which the person is actually confined or by the designee of such administrator.

##### **62030.17.2 Admission Summary**

Institution staff shall prepare a case summary for each person from DMH. When processing is complete, the case shall be presented to a CSR for transfer consideration. When the case summary is completed, the receiving institution shall forward a copy to DMH.

Six months from the date of the patient's arrival at the receiving institution and each year thereafter, the Warden shall forward to DMH a case summary update, which shall contain the following information:

- The patient's present institutional program.
- A current psychiatric diagnosis and recommendation(s).
- The Warden's recommendation for future programming.

CMF and CMC are designated to receive male mental health patients. CIW is designated to receive female mental health patients. Under normal conditions, patients shall be received directly at the main institution and need not be processed through a reception center unless otherwise determined by the Warden. Such patients may be transferred to other institutions as appropriate.

#### **62030.18 Inter-Institution Transfer**

##### **DMH Patients**

If a classification committee recommends the transfer of a DMH patient between the Departments institutions, the recommendation shall be prepared on a CDC Form 128-G and referred to a CSR for transfer consideration. If transfer is approved, the C&PR of the sending institution shall, by memorandum, notify DMH of the transfer and the reason therefor.

##### **62030.19 Jurisdiction of Patients**

During the time DMH patients are confined at the Departments institutions, they shall retain their status as patients of DMH.

Such patients are not subject to the provisions of PC 4500, 4501, 4501.5, 4502 or 4530. They are, however, subject to the rules and regulations of the Director. In the event of an escape, attempted escape, fight or riot, employees shall deal with such persons the same as an inmate committed to the Department.

#### **62030.20 PC 2974 Criteria/Referrals**

PC 2974 provides for the treatment of inmates or parole violators nearing release who are a danger to self or others or are gravely disabled as a result of a mental disorder.

##### **Placement Process**

The placement packet shall be prepared by the C&PR (or designee) at CMC, CMF, CIM, or CIW for inmates or parole violators or by the chief psychiatrist (or designee) of the POC for parolees.

Placement of male inmates or parole violators shall be made in ASH, female inmates or parole violators in MSH, and parolees to the facilities designated by DMH.



### **Placement Package**

The placement packet should be sent to the DMH facility at least seven days prior to expiration of prison term for inmates so that it can be reviewed and the admission approved. The placement packet for parolees must be received and approved prior to admission unless information and approval is given over the telephone with the packet then sent with the parolee.

The placement package shall include at least the following:

- A medical/psychiatric record with the psychiatric evaluation done within the last (30) days and a progress note, if appropriate.
- Substantiation of how the patient meets the Lanterman-Petris-Short (LPS) Act, criteria must be included, with specific behaviors of the patient documented.
- An indication of the type of services requested; i.e., psychiatric evaluation and treatment, conservatorship investigation, preparole or discharge planning, or other services agreed upon by DMH and the Department.
- An institution or parole adjustment history, including a description of any serious misconduct and/or security concerns.
- Relevant parole documents describing conditions of parole and parole discharge date, and the POR, if available.

The DMH state hospital will receive, evaluate and treat the placed patient according to the LPS Act. PC 2974 patients will be eligible for the same privileges as LPS patients, including passes for placement interviews, ground privileges, etc., at the discretion of DMH staff, on a case-by-case basis.

### **Certification Recommendation**

If certification is recommended, the DMH hospital shall notify the P&CSD designated hearing officer of the need for a certification review hearing under W&I 5250. The hearing shall be held at the DMH hospital within seven days of admission to the hospital. In the event parole has expired, the Departments' P&CSD has no statutory authority.

If certification is not recommended, or if it is determined at a certification review hearing or a judicial hearing that there is not probable cause to further involuntarily detain the patient, or at a subsequent time it is determined that the patient no longer requires hospitalization, the DMH hospital shall notify the designated parole office which shall arrange for the immediate removal of the inmate or parolee from the hospital. In the event parole has expired, the Departments' P&CSD has no statutory authority.

### **Continued Hospitalization (PC 2974)**

If a patient is hospitalized until expiration of the patient's prison term under PC 2684, and if continued hospitalization under PC 2974 is recommended by DMH staff, the Department agrees to delegate placement authority under PC 2974 to DMH. This includes authority, as long as the patient remains on parole status, to include the patient days utilized by this patient in the state hospital services funded by the Department. DMH will notify the Department that a decision has been made to seek appropriate LPS legal status to continue to hospitalize the patient under PC 2974.

#### **62030.21 Parole of Mentally Ill Inmates**

When an inmate about to be paroled is diagnosed by a psychiatrist/psychologist as mentally disturbed and cannot be transferred to DMH pursuant to PC 2684, 2690, or 2974, the C&PR shall:

- Immediately contact the RPA and advise them of the specific facts, including the inmate's name, number, psychiatric status, release date, county of commitment and all other pertinent facts.
- Coordinate the inmate's release to permit the Parole Agent to take custody of the inmate at the institution.
- Document all pertinent facts on a CDC Form 128-B, Informative Chrono, and give a copy to the Parole Agent when the Parole Agent takes custody of the inmate. Provide a copy of the most recent clinical evaluation and a list of all prescribed medications to the Parole Agent.

The RPA shall coordinate the P&CSD's role in taking the inmate into custody at the institution as well as determining the most appropriate follow-up, which may include:

- Placing the inmate in a county mental health facility.
- Placing the inmate in custody at the nearest city or county jail pending revocation proceedings for psychiatric evaluation.
- Referring the inmate to the POC.

#### **62030.22 Discharge of Mentally Ill Inmates**

Before discharging any inmate who, because of mental illness, is deemed a danger to themselves or others, the Warden shall act to place the inmate in a facility designated by a county (and approved by DMH for 72-hour treatment and evaluation) or in a 14-day intensive treatment facility pursuant to the provisions of PC 2974.

The Warden of the releasing institution shall:

- Document the psychiatric justification for the decision that the inmate is dangerous to themselves or others or gravely disabled and should not be released to the community. Provide written notice to local law enforcement agency of these conditions.

The law enforcement agency will usually transport the inmate to the county facility and effect the commitment pursuant to the W&I 5150 or PC 2974.

The Deputy Director, Institutions, shall be notified prior to the inmate's release if local authorities are not responsive.

#### **62030.23 Inflammatory/Threatening Inmate Remarks - Pending Parole**

When an inmate makes written or verbal statements of a threatening nature and the inmate is not considered mentally disturbed following an evaluation by clinical staff (psychiatrist/psychologist), the following procedures shall be initiated:

- Institution staff shall document all inflammatory/threatening comments on CDC Form 128-B if, in their opinion, there appears to be any substance to the inmate's threats.
- A copy of all documentation pertaining to the remarks shall be forwarded to the C&PR who will evaluate the material and determine if further clinical assessment will be necessary prior to the inmate's release date. If a clinical evaluation is requested prior to parole, the results shall be documented on CDC Form 128-C, Medical Chrono.

- The clinical assessment shall be returned to the C&PR who shall notify the RPA and forward copies of all applicable documents to the RPA for appropriate action.

**62030.24 Inflammatory/Threatening Inmate Remarks - Pending Discharge**

The same procedures as indicated above are applicable to inmates pending discharge, except the RPA is not notified. In the case of a discharge, the C&PR shall send written notification to the respective law enforcement agency, advising it of the situation and the Department's concern.

**62030.25 Revisions**

The Deputy Director, Institutions or designee, shall ensure that the content of this section is current and accurate.

**62030.26 References**

PC §§: 1026, 1364, 1368, 2670, 2684, 2685, 2960-81 (except 2962 and 2974), 3060.5, 3700 4500 4501, 4501.5, 4502, 4580.

W&I §§ 5150 and 7301.

## **ARTICLE 8 — INTERSTATE, FEDERAL AND INTERNATIONAL PLACEMENTS\***

*Effective October 25, 1989*

### **Not Cleared For Statewide Use**

#### **62040.1 Policy**

The Western Interstate Corrections Compact (WICC), PC 11190, and the Interstate Corrections Compact PC 11189, enable states to establish mutual contracts for the exchange of prisoners.

California has current contracts with Alaska, Arizona, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming and the Federal Bureau of Prisons.

#### **62040.2 Purpose**

The WICC and Interstate Corrections Compact expand the inmate placement resources of participating states to more appropriately meet the special or unusual needs of individual inmates than could be met within a state's own system.

The sending state shall retain legal jurisdiction of the inmate and may at any time require the return of the inmate to its custody.

The receiving state shall provide for the custody, care and treatment of the inmate in the same manner as for its own inmates.

No special privileges, restrictions, legal exceptions or immunities are authorized.

The compacts deal with a number of these and other jurisdictional matters in more detail.

The Interstate Compact Unit, P&CSD, administers and implements prisoner exchanges with other states and the Federal Bureau of Prisons.

#### **62040.3 Criteria**

Compact resources shall not be used when the inmate's needs can be met within departmental facilities just as well as in out-of-state facilities.

Inmates whose special or unusual needs can be better met in the facilities of another state may include, but are not limited to, the following:

- Protective custody. When an out-of-state placement will resolve the specific cause or reason for the inmate's protective custody within the Department; i.e., protection of an inmate witness or informant.
- When an inmate's permanent residence, resources and plan for release are outside California, placement in another state may be considered.
- Departmental policy precludes out-of-state placement criteria for inmates who are likely to present management problems. Examples of such cases may include homosexual behavior, chronic gambling, exploitation of other inmates and gang involvement.

#### **62040.4 Written Consent**

No California inmate shall be transferred to an out-of-state institution unless they have executed, in the presence of the Warden or designee, written consent to the transfer.

The transporting officer shall verify that the written consent form is properly documented prior to taking custody of the inmate.

#### **62040.5 Referrals**

The referral for out-of-state placement shall be prepared by institution staff per Departmental Review Board (DRB) format and submitted to the DRB.

Upon DRB approval, the institution shall submit the following items to the Interstate Compact Unit:

- Abstract of Judgment.
- Two current ID photographs.
- Case summary.
- Copy of DRB action [CDC Form128-G].
- Written consent form signed by inmate.

Upon receipt of a special circumstance referral by a court, DA or law enforcement agency, the Chief, Classification Services, or the Interstate Unit, with consent of the institution involved, shall prepare and submit an out-of-state transfer recommendation to the DRB.

The DRB's action shall constitute the authority for the Interstate Unit to negotiate with out-of-state officials for the inmate's placement and, if accepted, shall arrange for transfer of the inmate.

#### **62040.6 Confidentiality**

When an inmate is placed out-of-state for protective needs, or custodial needs, all aspects of the inmate's transfer and location shall be confidential, with information limited to those employees who need-to-know in order to complete the transfer process and to protect the inmate in transit.

References to the proposed out-of-state transfer shall not appear in the sending institution's records other than the inmate's C-File.

#### **62040.7 Mail and Property**

All mail and property of those inmates transferred to out-of-state institutions shall be forwarded to the Interstate Unit by the institution's staff.

#### **62040.8 Records and Tracking**

The Chief Transportation Officer shall notify the Interstate Unit of the date the inmate is removed from the Department's institution for a transfer out-of-state.

The sending institution shall prepare and package the following material for delivery to the receiving state's institution by the transportation officer:

- An up-to-date case summary.
- A copy of the inmate's Abstract of Judgment.
- A copy of the inmate's fingerprint card.

- A minimum of one front and side view photo of the inmate.

The sending institution shall record the movement as a WICC/Interstate Corrections Compact transfer to the Interstate Unit and forward all records and files to the Interstate Unit for retention.

Inmates transferred to out-of-state placement shall be carried on the BPT' calendar in central office and shall be afforded all rights as described in the BPT's Rules 2367 through 2373.

No later than six months prior to an inmate's parole or discharge, the Interstate Unit shall request prerelease information from the receiving state and prepare the inmate's release and clothing budget and transmit the funds and/or clothing to the other state.

When the inmate is to be released in the other state, the Interstate Parole Compact requirements shall be completed.

#### **62040.9 Inspection of Out-of-State Prisons**

PC 11194 requires the Director to determine the suitability of out-of-state prisons considered for placement of California prisoners under the WICC/Interstate Corrections Compact.

The Interstate Unit shall provide for initial inspection of such facilities. On-going determinations shall be made annually by the Interstate Unit, utilizing ACA accreditation and Federal Bureau of Prisons' reports and inspections.

The CDC Form 808, Western Interstate Correctional Compact Inspection Report, shall be completed at the time of inspection.

The original report shall be submitted to the Director through the Deputy Director, Institutions Division, and one copy each shall be sent to the Board of Corrections; P&CSD; Interstate Unit; and LAD-PMU.

#### **62040.10 Reception - Prisoners From Other States**

Approval and placement of prisoners from other states shall be arranged on behalf of the Director by the Interstate Unit.

Where feasible, the prisoner's initial reception and processing shall be accomplished at a reception center.

If a case involves medical or psychiatric problems, the case shall be reviewed by the Chief, Medical Services, to determine if the Department has facilities for proper care and, if so, which institution is best suited to provide the care.

#### **62040.11 Progress Report**

Within 90 days following the receipt of a prisoner from another state, the receiving institution shall furnish the sending state an institutional staff recommendation summary.

Thereafter at six-month intervals the institution shall furnish the sending state a report giving a summary of the inmate's progress and adjustment since the last report, including a recommendation for retention or return.

Five copies of the progress report shall be prepared and signed by the counselor and distributed to the BPT, legal counsel; inmate's C-File; and the inmate.

A transmittal letter signed by the Warden shall be prepared to forward the report directly to the sending state.

The copy of the report sent to the Interstate Unit, Attention: Corrections Compact Coordinator shall be reviewed and retained in the inmate's C-File.

#### **62040.12 Transfer**

Transfers from the reception centers to other institutions shall be handled as other reception cases, unless unusual aspects of the case require special review by the Chief, Classification Services, or the DRB for placement determination. The Interstate Unit shall be notified any time the inmate is transferred and prior to the inmate's release.

#### **62040.13 Records**

Whenever practical, the record files of cases from other states shall approximate the form/format of records for the Department's inmates.

The Warden of institutions where inmates from sending states are confined shall keep all necessary records concerning such inmates in a manner agreed upon between the sending and receiving states.

While the inmate remains in the institution, the sending state shall, upon request, be furnished with copies of any records.

Upon termination of the inmate's confinement, the institution shall forward the complete file of the inmate to the sending state.

Nothing contained herein shall be construed to prevent the receiving state or any institution thereof, from keeping copies of any such records upon and after termination of confinement.

#### **62040.14 Federal Prisoners**

PC 2090 and 2902 and a contract with the Federal Bureau of Prisons permits the acceptance of federal prisoners to institutions of the Department.

#### **62040.15 California Prisoners**

PC 2911 and a separate contract with the Federal Bureau of Prisons permits the placement of California prisoners in the Federal Bureau of Prisons' institutions.

#### **62040.16 Consent**

No inmate shall be transferred to a federal facility unless they have executed, in the presence of the Warden or designee, a written consent to transfer CDC Form 802, Federal Prison System Placement Agreement .

Inmates shall be informed of their right to private consultation with an attorney of their choice concerning one's rights and obligations under PC 2911.

An inmate may revoke such consent prior to transfer.

The transporting officer(s) shall verify that the consent was obtained prior to taking custody of the inmate.

##### **62040.16.1 Progress Reports**

Progress reports for federal prisoners in state custody shall be submitted to the Director, Federal Bureau of Prisons, annually starting from the prisoner's reception.

##### **62040.16.2 Release**

Release of federal prisoners in state custody may be accomplished only by order of the federal court or Director, Federal Bureau of Prisons.

Upon release, the inmate's C-File shall be updated, a closing summary added to the case summary and then forwarded to the Department's Archives Unit. Release shall be within this state unless the prisoner, the state and the federal government agree upon release to some other state.

#### **62040.17 Prisoners to Other Countries**

GC 12012.1 permits the Department to make provisions for inmates who request transfer to their country to complete a prison sentence. The Transfer Treaty is administered by the BPT.

At the present time, transfers may be considered with Canada, Bolivia, Mexico, Peru, Panama, Turkey, France, United Kingdom, Sweden, and Spain.

##### **62040.17.1 Criteria, France**

The inmate is a citizen of France.

The inmate has at least one year left to serve at the time of the transfer request.

The sentence is final.

The inmate's controlling offense is punishable as a crime under the laws of both countries.

The inmate was not convicted of a military offense.

The inmate gives their consent.

##### **62040.17.2 Criteria, Other Countries**

The inmate is a citizen of the country to which they request transfer.

The inmate has at least six or more months remaining on their sentence at the time of the request.

The inmate has no pending appeal or collateral attack on the judgment or sentence.

The inmate had not lived in the U.S. more than five years prior to the present sentence.

The inmate was not convicted for a political, military or immigration offense.

#### **62040.18 Screening**

When an inmate indicates an interest in the transfer treaty program, their counselor shall screen the inmate's records to determine if the inmate meets the above criteria.

If the inmate does not qualify, the inmate shall be provided, in writing, the reasons why and a copy shall be sent to the BPT, legal counsel.

#### **62040.19 Processing**

Male inmates may be referred to the appropriate local classification committee for transfer consideration to RJD, where the process will be completed.

- If recommended, the case shall be referred to the CSR for endorsement to RJD.
- Those male inmates who cannot be placed in RJD general population, shall be processed at their institution of residence as indicated below, and not transferred to RJD.
- If the inmate is found not to be eligible for the program after his arrival at RJD, he shall be presented to a CSR for appropriate return or placement.
- Female inmates shall be processed at their institution of residence by their respective Correctional Counselor, as indicated below.

The inmate's counselor shall have the inmate complete CDC Form 830, Transfer Treaty Program Application and Certification.

The inmate's counselor shall complete the Prisoner's Transfer Progress Report.

A copy of each shall be provided to the inmate and a copy placed in the inmate's C-File.

A copy of the inmate's case summary and copies of the following completed forms and report shall be forwarded (as appropriate to the case) to the BPT legal counsel:

- BPT Form 1001, Life Prisoner - Decision Face Sheet.
- BPT Form 1010, Parole Decision ISL Prisoner.
- BPT Form 1094, Serious Offender Decision - Face Sheet.
- BPT Form 1095, Serious Offender Hearing - Decision (1170.2 (B)).
- CDC Form 830, Transfer Questionnaire (original).
- CDC Form 678, Cumulative Case Summary Confinement Computation.
- Prisoner transfer program report.

The BPT shall process the case and notify the institution of acceptance or rejection.

#### **62040.20 Revisions**

The Deputy Director, Institutions, or designee shall ensure that the content of this section is current and accurate.

#### **62040.21 References**

PC §§ 2090, 2902, 2911, 11189, 11190, and 11194.

GC § 12012.1.

ACA Standards 2-3013, 2-4164, 2-4170, 2-4171, 2-4163, 2-4248, 2-4239, 2-4416, 2-4202, 2-4204, 2-4019, 2-4255, 2-4203, and 2-4186.

## **ARTICLE 9 — SPECIAL PLACEMENTS**

*Effective October 30, 1989*

### **62050.1 Policy**

Inmates committed to the Department who require specialized housing placements, shall be identified and evaluated for transfer to a special placement facility to ensure the safety of the inmate, security of the institution, and the safety of others.

### **62050.2 Purpose**

This section establishes standard procedures for the identification, evaluation and transfer of inmates requiring specialized housing placement.

### **62050.3 Out-to-Confidential Placements (OTCP)**

#### **Purpose**

OTCPs are out-of-Department, in-state transfers of inmates from a facility of the Department to a city or county confinement facility within the State. Such placements are normally used for temporary housing pending arrangements for more permanent placement. The inmate's transfer shall be a confidential matter, and all transfer documents shall only be noted as "Out-to-Confidential Placement".

#### **62050.3.1 Referrals**

Requests for OTCP shall be referred to the Departmental Review Board (DRB) through the Chief Deputy Director. In emergency situations the Chief Deputy Director may authorize such placement before the DRB action; however, the referral shall still be made to the DRB in all cases to document the reason and approval.

#### **62050.3.2 Arrangements**

Upon the Chief Deputy Director's or DRB's authorization, the case shall be referred to the Assistant Director, LEIU who shall coordinate arrangements between the LEIU Office and city or county officials for the inmate's placement and transportation.

#### **62050.3.3 Reimbursements**

The Department shall reimburse the city or county for the costs of such service. Billings must be addressed to the Assistant Director, LEIU, who shall verify the period of the billing, and forward the billing to the accounting office for payment.

City and county officials shall be instructed not to send billings to the institution because the danger exists that persons who should not know the inmate's location may become aware of it through the billing.

#### **62050.3.4 Confidentiality of Location**

An inmate's OTCP movement and the location are confidential. Only those persons who have a legitimate need-to-know may be informed of movement schedules and the inmate's new location. Any persons inquiring as to the inmate's location shall be referred to the Assistant Director, LEIU.

#### **62050.3.5 Records**

The inmate's records and files shall be retained by the sending institution until the inmate is returned to a departmental facility. The Assistant Director, LEIU, shall notify the institution's CCRM and C&PR when the inmate is returned to a Department institution or has been transferred to another jurisdiction.

#### **C-File**

In the inmate's C-File, the CDC Form 112, Chronological History, the institution locator files and data entry to OBIS shall be posted with "OTCP" (in the same way that out-to-court cases are posted) and the date of transfer to OTCP status. The inmate's specific location shall not be shown on any record maintained by the institution, except as may be specifically authorized by the Assistant Director, LEIU.

#### **BPT (BPT, Board) Calendar**

The inmate remains in the technical custody of The Director and the sending institution while on OTCP status and shall be carried on the institution's BPT calendar. The CCRM shall notify the Assistant Director, LEIU, of any scheduled Board hearings and release dates of inmates on OTCP status at least 60 days before the scheduled event.

#### **Mail**

Any mail and other material received or prepared by an institution for an inmate on OTCP status shall be forwarded to the Assistant Director, LEIU.

#### **62050.3.6 Return to Department Custody**

When the OTCP is no longer required and the inmate is returned to the Department's facilities, the Assistant Director, LEIU shall refer the case to the Chief, Classification Services, with a recommendation for housing.

If the inmate is returned to the sending institution, the movement shall not be reported on the institution's Daily Movement Sheet. The inmate's C-file, CDC Form 112, institutional location cards, and data entry to OBIS shall be posted "returned from OTCP" and date of arrival.

#### **Record Keeping**

If the inmate is returned to another institution, both institutions shall report the movement as a routine transfer between institutions. The receiving institution shall post the CDC Form 112 in the inmate's C-file as being received from the sending institution by OTCP.

When an inmate on OTCP is transferred to another state or to a federal institution, the movement shall be reported as an administrative transfer to FSP.

### **62050.4 Restricted Housing Unit (RHU)**

#### **Location**

A section of CCI's AD-SEG has been set aside as a high security unit for the housing of departmental protective custody, special interest, cases. The unit is referred to as a RHU to emphasize its highly restricted nature.

#### **62050.4.1 Approval for Placement**

The unit shall not be utilized for the AD-SEG, DD or temporary holding of any inmate without the prior approval of the Assistant Director, LEIU. The unit shall not be an option for consideration by classification committees or CSRs in recommending or approving inmate transfers.

Inmate transfers to and from the RHU require the approval of the Assistant Director, LEIU.

#### **62050.5 County Safekeepers**

##### **Authorization**

Pursuant to PC 4007, the Department may confine certain prisoners in its facilities, for any county in California.

##### **62050.5.1 Threat of Forced Removal**

When there is belief that a prisoner might be forcibly removed from a county jail, the sheriff may transport the prisoner to any departmental institution for safekeeping.

##### **Warden Acceptance**

The Warden shall accept and detain such cases until removal is ordered by the superior court of the county from which the person was delivered. Immediately upon receiving such a prisoner, the Warden shall notify the Director in writing. There is no PC provision for reimbursement for such cases.

##### **62050.5.2 Threat to Persons, Jail Property or Health**

When there is belief that a group of prisoners in a county jail are acting in concert and are a threat to others in the jail or are likely to cause substantial damage, with the consent of the Director, the court may, upon request of the county sheriff, designate the confinement of such prisoners in a departmental institution.

The court shall calendar the matter for a hearing within 48 hours of the order or the next judicial day to determine if it shall continue or rescind the order. The prisoner is entitled to be present and to be represented by counsel at the hearing. The court may modify or vacate such order at any time.

The rate of compensation for that confinement within a California State prison or facility shall be established by the Department and shall be a charge against the county making the request for confinement.

##### **Prisoner Placement Consent**

The Warden is delegated to act for the Director in consenting to the prisoner's placement in the institution.

##### **62050.5.3 Medical and Psychiatric Records**

The medical records of county prisoners accepted for safekeeping shall, when possible, be forwarded to the institution designated to receive the prisoner prior to the transfer. In emergency transfers, the records may be delivered with the prisoner.

Any psychiatric/psychological reports or case information that will aid the institution in handling the safekeeper shall be sent with the medical reports. This shall be agreed upon as a condition of acceptance.

#### **62050.6 Inmates With Death Sentences**

##### **Reception, Condemned Males**

SQ is the reception center for all male inmates with a death sentence unless the Director has designated another institution as the place of reception. Death sentence inmates shall not be transferred to any other institution without the prior approval of the DRB and the Director. Exceptions may be made for temporary transfer to CMF for urgent or emergency medical treatment with prior approval of the Director, Chief Deputy Director or Deputy Director, Institutions.

##### **Reception, Condemned Females**

The CIW is the reception center for all female inmates with a death sentence.

Upon exhaustion of her appeal and by order of the Deputy Director, Institutions, a female inmate sentenced to death shall be transferred to SQ within three days of her execution date.

##### **62050.6.1 Processing**

The Warden shall ensure that an Institutional Staff Recommendation Summary is prepared within 90 days of the inmate's arrival. A copy of each summary shall be forwarded to the Chief, Correctional Case Records Services.

##### **62050.6.2 Informing The Director/Governor**

The Warden shall keep the Deputy Director, Institutions Division, the Director and Governor informed of any developments pertinent to condemned cases.

##### **Records Processing**

Summaries, reports and notice of any judicial, administrative or executive action taken in death sentence cases shall be forwarded to the Director, by the Deputy Director, Institutions Division. Information concerning appeals filed by the inmate shall include, if possible, the names of the attorneys of record and any other information available from documents filed with the institution and shall also be transmitted to the Director, by the Deputy Director, Institutions Division. The Director shall forward one copy of the above material to the Governor, by the Legal Affairs Secretary, and to the BPT. One copy of the above material shall also be forwarded to the AG's Office in San Francisco by the Warden.

##### **62050.6.3 Commutation**

An inmate whose death sentence is commuted shall be transferred to a Reception Center to complete case processing.

The DRB shall determine the inmate's institution placement.

#### **62050.7 Inmates Serving Life Terms**

##### **Murder 1st, Life W/O Possibility of Parole (LWO) Cases**

Inmates serving an LWO sentence shall be housed in a Level IV institution. Any exceptions to this placement shall be by DRB action.

Institutions with other than a Level IV designation housing LWO inmates shall review these cases annually to determine if case factors continue to support their current placement.

#### **62050.7.1 25-to-Life and Long-Term Determinate Cases**

Inmates serving a 25-to-life or long-term determinate sentence may be placed in a Level III institution unless any of the following factors are present:

- High notoriety or special interest cases involving extreme violence or extensive sexual assault. A special interest case is defined as one which received extensive media coverage, beyond the locale of the offense or trial.
- A history of multiple walkaways or an escape or attempted escape with force or the threat of force from an armed perimeter.
- A history of serious behavioral problems during the current term or prior term.
- A commitment offense which involves multiple murders, a 25-to-life sentence with enhancements which exceed three years or a maximum Determinate Sentencing Law term for more than 39 years, unless three years with good behavior have been served.
- Any outstanding felony holds/detainers, unless three years with good conduct have been served on the term.

#### **62050.7.2 7 or 15-to-Life and Long-Term Cases**

New arrivals serving a sentence of seven to life or 15 to life are endorsed by a CSR at the reception center for appropriate level placement.

##### **Medical/Psychiatric**

Inmates requiring medical or psychiatric treatment who are completing a life term, shall be placed at an institution specifically staffed for this treatment.

#### **62050.7.3 Exclusion of Life Inmates From Level I or II Placement**

An inmate serving any life term whose classification score has reached either level I or level II designation shall not be approved for placement in a Level I or II institution if one or more of the following factors exist.

- The commitment offense is for multiple murders, crimes of unusual violence or execution-type murders and received high notoriety.
- They have other sentences, enhancements or holds which constitute a term of 5 years or more.
- The inmate's case history includes multiple walkaways or escape from a secure perimeter or escape with force or threat of force.
- An inmate serving a life term without an established parole date of three years or less shall not be housed in a Level I institution or assigned to a program outside a security perimeter.
- An inmate serving a life term whose classification score has not reached level I or level II classification level shall not be placed in a level I or II facility except by DRB action.

#### **62050.8 Parole Violators (PV)**

##### **Surrendering at Institution**

When a parolee reports to an institution and requests admittance, they shall be interviewed by staff, preferably a Correctional Counselor prior to classification. Facts concerning their original offense, length of time on parole, criminal or technical violations while on parole and reason for the surrender shall be determined. Institutional staff shall ascertain that the person is a parolee by referring to institutional records or contacting:

- The Identification & Warrants Unit at (916) 445-6713 or ATSS 485-6713.
- The P&CSD's unit office under which the person was supervised.
- The regional parole office having jurisdiction over the office where the person was on parole.

The sheriff or chief of police of the nearest city shall be requested to take the parolee into custody pending disposition by the P&CSD.

#### **62050.8.1 Departmental Bus**

Arrangements for the departmental bus to pick up technical PVs at county jails located along the normal routes may be made by the Deputy Director, P&CSD, with the Chief Transportation Officer. These PVs shall be immediately transferred to the designated reception center, depending upon the parole region of assignment.

#### **62050.8.2 Voluntary and Emergency Medical/Psychiatric Care**

Whenever a parolee requires medical care, it shall ordinarily be provided by private physicians and facilities in the community. Costs for such care shall be provided by the parolee's own resources or community welfare funds.

If the parolee is without sufficient funds, every effort shall be made to establish their eligibility for financial assistance (such as Medi-Cal) to enable utilization of local resources. Return to prison for health care services that are normally available in the community shall be utilized only if all other efforts to obtain health care fail.

##### **Medical/Surgical/Dental Cases**

When a parolee requires medical, surgical, psychiatric or dental care of an emergency nature, and all efforts to obtain community services have failed, the parolee may consent to be returned to a correctional institution. The parole unit supervisor or designee shall contact the CMO, Medical Officer-of-the-Day (MOD) or Chief Psychiatrist of the institutions designated:

- Males to CIM, California Mens Colony - East (CMC-E), CMF or females to CIW.

If the patient's condition does not permit transfer to one of the above facilities, any institution may be utilized. On the next business day, the BPT shall be notified of the return.

##### **Psychiatric Cases**

Males from Parole Regions I and II are placed at CMF.

Males from Parole Regions III and IV are placed at CIM-RCC for initial custody/treatment screening prior to transfer to CMF or CMC-E or CIM. Females from Parole Regions I through IV are placed at CIW.

##### **Transfer Requests**

Transfers shall be made during regular work hours. When necessary to effect a move during other than normal hours (nights, weekends or holidays), approval for the acceptance of a parolee shall rest with the institution's Administrative Officer-of-the-Day and/or the MOD.



The administrator who approves an emergency transfer shall follow up by notifying the institution's C&PR on the next workday for purposes of attaining necessary records and to ensure the case is brought to the attention of the BPT.

When the parolee is medically cleared the C&PR of the holding institution shall notify the parolee's district administrator to effect removal from the institution by reinstatement on parole or other appropriate action. Such notification shall be made a matter of written record.

#### **62050.8.3      Escapees**

Escapees returned to the Department shall be processed as follows:

- Escapees from CRC and CIM shall be housed in the Reception Center, Central at CIM. However, the case shall be processed by staff of the institution from which the inmate escaped.
- All other escapees shall be returned to and processed at the institution from which they escaped.

#### **62050.9      BPT Transfer Requests**

##### **Inmate Diagnosis and Treatment**

The BPT may request that the Director transfer an inmate when its review of a case determines the transfer is advisable for further diagnosis or treatment. The Department shall comply with the request where diagnostic facilities are, or become, available unless such a transfer violates the Department's policy or would threaten institutional security.

The BPT shall be advised of any determination that precludes such a transfer at the earliest reasonable time. It is the responsibility of the C&PR to advise the BPT if the request cannot be fulfilled.

##### **CSR/DRB Review**

If a CSR determines that the BPT request would violate departmental policy or present a security risk, they shall indicate this determination on the CDC Form 128-G, General Chrono, and request that the institution refer the case to the DRB. The C&PR shall advise the BPT if the request would violate departmental policy or present a security risk. If the BPT reaffirms its decision, a DRB referral shall be processed.

If the DRB determines the request is appropriate, a copy of its decision shall be sent to the referring institution. If the request is determined to be inappropriate, then that decision, including rationale, shall be noted on a CDC Form 128-G, and a copy shall be sent to the referring institution and BPT Chairman.

#### **62050.9.1      BPT Placement Requests**

##### **Processing**

A BPT recommendation for placement of an inmate in a departmental program for diagnosis or treatment shall be entered on BPT Forms 1010 and 1001.

The counselor shall schedule the inmate for post-board classification and discuss the BPT request with the inmate.

If the inmate agrees with the request and there is no problem in satisfying the request, the case shall be referred to a CSR.

If the inmate refuses to participate, the committee shall note their refusal on the CDC Form 128G and bring the refusal to the BPT's attention at the inmate's next regularly scheduled Board hearing.

#### **62050.10      Special Housing Assignments**

##### **Policy**

The Department shall provide secure housing apart from its general inmate population for the supervision and control of those inmates who endanger institutional security or the safety of themselves or others. Such housing is defined as AD-SEG and specifically the units shall be designated per the following sections:

#### **62050.10.1      Special Housing - Temporary**

AD-SEG - Temporary: Provides housing during the period of initial segregation pending the outcome of an investigation and placement by classification action.

AD-SEG provides secure housing upon the initial period of separation from the general population for any reason until a classification committee has determined whether the inmate's placement should be in a specialized housing unit or in the general population.

#### **62050.10.2      AD-SEG Housing**

Each institution shall designate and have approved by the Deputy Director of Institutions, a maximum number of beds for AD-SEG in a secure facility section as follows:

- Housing shall be in a secure designated unit with custody established at no lower than Close B.

*Note:* The reception center at CIM shall provide such housing for CRC.

#### **62050.10.3      AD-SEG Criteria**

Placement in AD-SEG shall be limited to those cases where reasons exist that the inmate's continued presence in the general population would do any of the following:

- Endanger the security of the institution.
- Jeopardize the integrity of a serious misconduct or criminal investigation.
- Endanger the safety of the inmate or others.

#### **62050.10.4      Confidential Information Verification/Disclosure**

An inmate shall not be placed or retained in segregation on the basis of undisclosed information unless staff verifies that to identify the source of information would endanger the safety of the source or institutional security.

When confidential information is used to place or retain an inmate in AD-SEG or to support charges on a CDC Form 115, Rules Violation Report; a Confidential Information Disclosure (CDC Form 1030) shall be prepared [refer to DOM 61020]. A copy of the confidential information disclosure form will be given to the inmate at least 24 hours prior to the initial AD-SEG classification review or the disciplinary hearing. The document shall reveal as much information as possible without identifying the source. The document shall evaluate the reliability of the source and a statement of the reasons why the identity of the source is not disclosed.

## **62050.10.5 AD-SEG Procedure**

### **Reason for Placement**

All determinations affecting an inmate's placement, degree of custody, or program while in AD-SEG shall be through the classification process.

Authority to order an inmate's placement shall not be delegated below the level of lieutenant except when lower level staff is the highest-ranking official on duty.

Within 48 hours of AD-SEG placement, a staff member not less than a lieutenant or CC-II shall provide the inmate with a CDC Form 114 D, Order and Hearing for Placement in Segregated Housing; or CDC Form 115 which documents a clear and specific reason for their removal from the general population.

Within two work days following an inmate's placement in Ad.-Seg, staff designated at not less than the level of captain shall review the order portion of the CDC Form 114-D to make a determination regarding retention in AD-SEG

## **62050.10.6 Institutional Classification Committee (ICC) Review**

An inmate's placement in temporary AD-SEG shall be reviewed by the ICC within ten days of receipt in the unit. ICC shall determine whether to retain in temporary segregation or release to the general population. ICC shall review the inmate at least every 30 days thereafter until the inmate is released from temporary segregation.

## **62050.10.7 CSR Review**

ICC shall refer for CSR review and approval, any case retained in temporary AD-SEG for more than 30 days. ICC shall make a recommendation concerning continuance in temporary segregation pending completion of an investigation, resolution of court proceedings or transfer to another facility. ICC shall designate an anticipated length of time needed to complete the investigation or court process.

## **62050.11 PHU**

PHUs provide secure housing for inmates whose safety would be endangered by general population placement.

### **62050.11.1 PHU/Custody Designation**

PHUs shall be designated housing for inmates which custody requirements have been established at no lower than Maximum B custody.

### **62050.11.2 PHU/Criteria**

An inmate whose safety would be endangered by general population placement may be placed in the PHU providing the following criteria are met.

- The inmate does not require specialized housing for reasons other than protection.
- The inmate does not have a serious psychiatric or medical condition requiring prompt access to hospital care.
- The inmate is not documented as a member or an affiliate of a prison gang.
- The inmate does not pose a threat to the safety or security of other inmates in the PHU.
- The inmate has specific, verified enemies as identified on CDC Form 812 (Notice of Critical Case Information - Safety of Persons) likely to and capable of causing the inmate great bodily harm if placed in general population.
- The inmate has notoriety likely to result in great bodily harm if placed in the general population.
- There is no alternative placement which will ensure the inmate's safety and provide the degree of control required for the inmate.
- It has been verified that the inmate is in present danger of great bodily harm.

The inmate's uncorroborated personal report, the nature of the commitment offense, or record of prior protective custody housing shall not be the sole basis for PHU placement.

### **62050.11.3 CSR Review**

Each classification committee recommendation for PHU placement shall be presented to the next available CSR. Alternative placement shall be approved or the case deferred for presentation to the designated PHU CSR.

### **62050.11.4 Emergency PHU Placement by CSR**

Approval by the designated PHU CSR is required for all PHU placements. Emergency transfer approval may be granted by the Classification Services duty officer by FAX to avoid unusual delays. A copy of the emergency FAX approval shall be routed to the designated PHU CSR by the Classification Services duty officer.

Inmates in PHU who are recommended by a committee for alternative placement shall be processed in the same manner as a routine transfer and do not require endorsement by the designated PHU CSR.

## **62050.12 Psychiatric Management Unit (PMU)**

A PMU provides secure housing and care for inmates with diagnosed psychiatric disorders not requiring in-patient hospital care, whose conduct threatens the safety of themselves or others.

### **62050.12.1 PMU Criteria**

Criteria for placement in PMU is as follows:

- The inmate shall be diagnosed as suffering from a major psychiatric disorder but not disabled to the extent requiring hospitalization.
- The inmate's conduct poses a serious threat to the safety of themselves or others if housed in the general population.
- The inmate is capable of participating in unit or group activity without undue risk to the safety of themselves or others.

### **62050.12.2 CSR Approval**

Inmates who require PMU housing and meet the established criteria, shall be referred by a classification committee to a CSR for PMU placement. The referral shall include a CDC Form 128-C, Medical Chrono; indicating the psychiatric disorder diagnosis and recommended placement.

Approval by the designated CSR is required for PMU placement.

### **62050.12.3 Alternative Placement**

Inmates in the PMU who are recommended by a committee for alternate placement shall be processed in the same manner as a routine transfer request, except that a current CDC Form 128-C is required for the CSR's review.

### **62050.13 SHU**

SHUs provide secure housing for inmates whose conduct endangers the safety of others or the security of the institution.

Inmates assigned to SHU shall be designated Maximum A or Maximum B custody.

#### **62050.13.1 Release From SHU**

An inmate shall be released from SHU upon expiration of their Minimum Eligible Release Date (MERD), if any, or after twelve (12) months of consecutive confinement, whichever is shorter, unless before the MERD or period expires they are afforded all the hearing rights that attend initial placement in segregation.

#### **62050.13.2 SHU Criteria**

An inmate shall be placed in SHU if:

- The inmate has requested segregation for their own protection and the need can be substantiated by appropriate staff.
- The inmate is newly arrived at the institution and more information is needed to determine whether the inmate may be incompatible with any element of the general population. No inmate shall be involuntarily segregated for this reason for more than ten (10) days.
- The inmate has been found guilty of a disciplinary offense sufficiently serious to warrant confinement for a fixed term in segregation, and the term is fixed in conformance with the SHU Term Assessment Chart.
- The inmate's continued presence in general population would severely endanger lives of inmates or staff, the security of the institution or the integrity of an investigation into suspected criminal activity.

#### **62050.13.3 SHU Placement/Undisclosed Confidential Information**

An inmate shall not be placed or retained in a SHU on the basis of undisclosed information.

#### **62050.13.4 Withholding Confidential Information at Placement Hearing**

The identity of any person providing information cited in support of placement or retention of an inmate in a SHU may be withheld at the hearing only if disclosure would endanger the safety of the source or institutional security.

##### **62050.13.4.1 Statement of Reliability**

In any instance where the identity of the source is withheld, the inmate shall not be placed or retained in a SHU in absence of a CDC Form 1030, available to the inmate, setting forth an evaluation of the reliability of the source and a statement of the reasons why the identity of the source is not disclosed.

#### **62050.13.5 Procedures/Institutions Without SHU**

The ICC shall recommend appropriate cases for an indeterminate period of confinement or shall establish a determinate term and present the case to a CSR within 30 days of AD-SEG placement, but in no case later than 45 days. Inmates in AD-SEG endorsed for and awaiting transfer to a SHU shall be deemed a SHU inmate.

Each institution shall establish a determinate period of confinement in SHU for serious offenses that occurred at that facility.

#### **62050.13.6 Procedures/Institutions With SHU**

The Unit Classification Committee (UCC) shall assign the appropriate custody for inmates endorsed for SHU from other institutions.

The UCC shall assign the appropriate custody and recommend a determinate term or indeterminate status when the conduct causing the inmate's placement occurred at that institution.

#### **62050.13.7 SHU Placement Review by UCC**

The UCC shall also recommend the commutation, suspension or release from a determinate term and the imposition, retention or release from indeterminate status and the assessment of a subsequent SHU term if it is viewed as appropriate.

#### **62050.13.8 ICC Review of SHU Placement**

The ICC shall place the inmate on indeterminate SHU status or establish a determinate term when the conduct causing the inmate's placement occurred at the institution.

#### **62050.13.9 Release From SHU After 12 Months**

The ICC shall also act to retain or release SHU inmates who complete a determinate term or 12 months of SHU confinement.

#### **62050.13.10 CSR – SHU Review**

Such cases shall be referred by ICC to a CSR within 30 days, but no later than 45 days from initial placement or the recommendation to release or retain the inmate in SHU. The CSR referral shall include a placement recommendation.

#### **62050.13.11 Resolving CSR Disagreements With ICC**

The CSR shall refer the case to the Chief Deputy Warden for review if there is a difference of opinion with the ICC action.

#### **62050.13.12 SHU – DRB Actions**

Differences of opinion not resolved by the Chief Deputy Warden shall be submitted to the Chief, Classification Services, in Departmental Review Board format for resolution.

#### **62050.13.13 SHU Terms**

##### **Establishing Terms**

SHU terms shall be established by ICC using the SHU Term Assessment Chart and the following forms: CDC Form 629C, Factors in Mitigation or Aggravation , CDC Form 629A, SHU Term Assessment Worksheet , CDC Form 629B, Assessment of Subsequent SHU Term Worksheet , and the CDC Form 629D, SHU Time Computation Table.

#### **62050.13.13.1 Establishing SHU Term at Expected Range**

The term shall be set at the expected term for the offense in the absence of mitigating or aggravating factors. Deviation from the expected term shall be supported by documentation of circumstances in aggravation or mitigation on the CDC Form 128-G.

#### **62050.13.14 SHU Computation on CDC Form 629-A**

The terms shall be recorded on CDC Form 629-A using the SHU Time Computation Table which incorporates one quarter Good Time Credit in the term. The computation establishes a maximum release date and a MERD. A copy of the CDC Form 629-A shall be given to the inmate.

#### **62050.13.15 Documenting SHU Terms on CDC Form 629-B**

Serious misconduct while in SHU may result in a determinate term for inmates on indeterminate status, or loss of clean conduct credits or an additional SHU term for those serving determinate terms. An additional term may be concurrent or consecutive and shall be recorded on CDC Form 629-B with a copy to the inmate. Such cases do not require CSR review.

#### **62050.13.16 Establishing Consecutive SHU Terms**

Consecutive SHU terms shall only be assessed for offenses that occur after establishing the initial SHU term. Any offense(s) that occur(s) in AD-SEG awaiting computation of the initial determinate term shall be assessed on the CDC Form 629-A.

#### **62050.13.17 Commuting MERDS by ICC and CSR Referral**

The ICC may commute or suspend any portion of a determinate term. Once commuted, the term shall not be re-imposed. If suspended, the period of suspension shall not exceed the length of the original term imposed. When either action occurs, the case shall be referred to a CSR with a placement recommendation.

#### **62050.13.18 SHU Classification Review**

The UCC shall conduct classification hearings on all indeterminate cases to determine the need for SHU retention in 120-day intervals.

#### **62050.13.19 CSR Annual Review of SHU Indeterminate Cases**

When alternate placement is possible, the UCC shall refer the case to a CSR with a recommendation. The ICC shall review all indeterminate cases and refer them to the CSR at least annually for alternate placement consideration.

#### **62050.13.20 UCC 30-Day Review of Determinate SHU Cases**

The UCC shall conduct hearings on all determinate cases at least 30 days prior to their MERD expiration or during the eleventh month from the date of placement, whichever comes first.

#### **62050.13.21 SHU Retention/Due Process**

Inmates who are being considered by a UCC for SHU retention beyond 12 months shall be afforded all the hearing rights that attend initial AD-SEG or SHU placement.

#### **62050.13.22 Serving SHU Terms in Approved SHU Facilities**

Determinate SHU terms shall only be served in a departmentally approved SHU or a facility specifically designed for that purpose.

#### **62050.13.23 ICC/Suspension of SHU Terms**

When an inmate is found guilty of an offense listed in the SHU Term Assessment Chart and the ICC does not believe placement in SHU is warranted based on the circumstances of the offense, or other factors, it shall establish a term of confinement and commute or suspend the term.

#### **62050.13.24 ICC Review of Incomplete SHU Terms**

##### **Parolees Returned to Prison**

When an inmate paroles while serving a determinate term, the remaining time on the term is automatically suspended. When an inmate returns, either as a PV or with a new prison commitment, ICC shall evaluate the case for re-imposition of the suspended determinate term. If re-imposed, the term shall not exceed the time remaining on the term at the time of parole.

#### **62050.14 Illegal Aliens (Transfer/Release)**

Male inmates who are illegal aliens shall be transferred to SQ or RJD 30 to 45 days prior to their scheduled release date. Transfers shall be accomplished to facilitate deportation hearings by Federal Immigration Judges in compliance with the Immigration Control and Reform Act of 1986.

##### **Transfer Endorsements**

The institution C&PR shall review and endorse the transfer of identified illegal alien inmates to SQ or RJD for the purpose of Federal Immigration Hearings. These inmates will not require C&PR review and endorsement.

##### **Placement**

Inmates initially processed into Department from reception centers at CIM or CCI shall be transferred to RJD. Inmates initially processed into the Department from all other Department reception centers shall be transferred to SQ.

##### **Female Aliens**

Female inmates who are illegal aliens will be processed into the Department, receive deportation hearings, and released from either the CIW, NCWF or CRC.

#### **62050.14.1 Illegal Aliens (Excluded)**

Illegal aliens who are civil commitments or are housed in a SHU, PHU, pending a serious CDC 115 or have a felony hold, shall not be subject to transfer for deportation proceedings.

#### **62050.14.2 Illegal Aliens (Records)**

The C-files of illegal alien inmates transferring shall be audited by the sending institution and contain all completed documents required to process the inmate's parole.

#### **62050.15 CIW Support Care Unit (SCU)**

The SCU is an unlicensed facility intended to provide housing for inmates who are in remission from mental illness and those who are incapable of participating in the regular institution program. Inmates housed in the SCU will be provided a program that includes occupational therapy and group counseling.

Inmates with acute mental illness shall be referred for treatment to Metropolitan State Hospital.

**62050.16 Revisions**

The Deputy Director, Institutions, or designee shall ensure that the contents of this section are accurate and current.

**62050.17 References**

PC §§ 1202(a), 3200, 3404, 3700.5, 4007,

CCR Article 7.

**ARTICLE 10 — *UNASSIGNED***

## **ARTICLE 11 — TEMPORARY REMOVALS\***

*Effective November 14, 1989*

### **Not Cleared For Statewide Use**

#### **62070.1 Policy**

California statute permits the Director to authorize temporary release and removal of inmates from prison. The Director requires careful screening and control of such releases to avoid risk to the community. Institution, parole, and community correctional center personnel shall approve temporary releases/removals only as permitted by these standards and procedures.

#### **62070.2 Purpose**

This procedure defines staff responsibilities and provides criteria for granting, denying, and administering temporary removals of inmates from the Department facilities.

#### **62070.3 Authorized Removals**

Inmates may be approved for temporary community leaves (TCLs) for:

##### **Inmate Requested**

- Family emergencies.
- Prerelease planning.
- College courses.
- Reentry furlough.

##### **Removal for Departmental Reasons**

- Medical/psychiatric.
- Release to Hold.
- Off-reservation work assignments.
- Community betterment.
- Disaster relief teams.
- Court ordered.

#### **62070.4 General Criteria TCLs**

Approved leaves shall be for no longer than necessary to accomplish the stated purpose but shall not exceed 72 hours in length. Medical/psychiatric and court order removals are not statutorily restricted to the 72-hour limitation.

TCLs may include the following conditions:

- Inmates may be required to be under custodial escort.
- Personal funds shall be provided by the inmate to cover requested leave expenses prior to approval.
- Temporary removals initiated by the Department shall be made at no cost to the inmate.
- Volunteer staff escort for family emergency and prerelease leaves may be provided only under strict conditions as outlined in the DOM 62070.4.2 Custodial Escort.
- All TCLs from a prison facility shall require Warden or designated AW approval.
- Leaves from contracted community correctional center facilities shall require approval of the reentry specialist.
- Leaves from noncontracted community correctional centers shall be approved by the facility manager.
- Temporary leave for parolees in custody pending revocation proceedings requires approval of the assistant Regional Administrator.

##### **Out-of-State Travel (Prohibited)**

Temporary leaves for out-of-state travel shall not be approved for any reason.

#### **62070.4.1 Exclusion Criteria**

Inmates shall not be permitted a TCL when the following conditions prevail:

- Inmate is serving life without possibility of parole.
- When weapons or restraint equipment must be utilized to escort.
- When inmates are out-of-state cases and safekeepers, unless approved by agency retaining jurisdiction.
- When inmates are CYA /DMH [concurrent (CC) jurisdiction] cases, unless approved by those agencies.
- When inmates are determined to be security/custody risks.

Examples are:

- Escape risk.
- Has made verified threats toward victims, witnesses, family members, departmental staff or public officials.
- Inmate exhibits a pattern of serious aggressive behavior that is supported by disciplinary documentation.

#### **62070.4.2 Criteria For Custodial Escort**

Custodial escort for a TCL is defined as a Department peace officer properly trained and certified in escort of inmates. Certification requires completion of annual IST classes mandated for peace officer staff on transportation and escort of inmates. Custodial supervision shall be required for inmates who possess any of the following case factors:

- Designated other than Minimum-B custody.
- Psychiatric cases documented by the chief psychiatrist as not being a danger to self or others.
- Housed in AD-SEG for protection only.
- Has a felony detainer or is serving a concurrent or consecutive county jail sentence, a portion of which must be served upon release from Department custody.
- Identified with organized crime.
- Convicted of high notoriety crimes or where presence in a community would likely cause adverse reaction.
- Designated "R" suffix (restricted custody).

##### **Restricted to funeral visit only**

- No parole date or has seven or more years remaining to parole.
  - Inmates in this category shall only be considered for a TCL to attend a funeral of an immediate family member.

##### **Unavailability of Escort Staff**

- Unavailability of qualified escort personnel shall be cause to deny a TCL request.

#### **62070.4.2.1 Escort Employee Compensation**

The escorting employee(s) shall be paid in accordance with current payroll requirements. All meals and other escorting expenses including wages of escort shall be reimbursed through inmate trust account funds in accordance with DPA regulations and departmental policy.

#### **62070.4.2.2 Employee Criteria/Custodial Escort**

Peace officer staff properly trained and certified in the escort of inmates, and exempt from provisions of the FLSA may volunteer their time for the purpose of escorting indigent inmates.

##### **Volunteer Escorts**

Employees who voluntarily escort without monetary compensation shall be considered "on-duty" during the period of such assignment.

##### **Transportation**

Transportation for escorted TCLs shall be by state vehicle or public transportation. Transportation for indigent inmates with volunteer escort shall be by state vehicle only. The most direct route of travel shall be used by escorting staff. Escorting staff shall maintain strict adherence to the TCL itinerary. Deviation from established itinerary shall be permitted for genuine emergencies only.

##### **Overnight Lodging**

Escorted leaves for a period longer than 16 hours shall require prior confirmed arrangements for overnight housing in a departmental institution or county jail facility within the TCL area.

#### **62070.5 Family Emergency**

Emergency leaves may be granted for attendance at a funeral service or hospital bedside visit of a critically ill immediate family member except as provided in DOM 62070.4.2 (no parole date or has seven or more years remaining to parole.)

##### **Immediate Family defined**

Immediate family member is defined as:

- Legal spouse.
- Natural parents.
- Adoptive parents (if adoption occurred and a family relationship existed prior to incarceration).
- Step-parents.
- Foster parents.
- Grandparents.
- Brothers and sisters.
- Children.
  - Natural.
  - Adoptive.
  - Step.
- Grandchildren.

**Note:** Aunts, uncles, and cousins are not considered immediate family unless a genuine and verifiable foster relationship existed prior to incarceration.

#### **62070.5.1 Screening Responsibilities**

The inmate's caseworker:

- Receives request from the inmate, family members, or other persons identifying the reason for an emergency leave request (death/hospital/visit).



### **Caseworker Review and Verification**

- Thoroughly verifies that request and circumstances are valid. This verification process shall include, but is not limited to:
  - Verify immediate family relationship.
  - Contact hospital/attending physician, county coroner, and funeral director for complete details surrounding death and funeral arrangements.
  - If death was by other than natural causes, or the death is under investigation, contact necessary law enforcement agencies to determine causes and circumstances of death.
  - Attending physician shall be personally contacted. Attending physician shall verify that the family member's condition is classified as critical and the physician's prognosis for recovery determined.

### **Hospital Visit Critically ill**

A statement from the attending physician shall be solicited regarding a recommendation that the inmate's visit will/will not be beneficial to the patient's treatment, or that the patient is in imminent danger of death.

### **Review and verification**

The nature and circumstances of the illness/injury shall also be determined and evaluated with respect to safety/security decisions.

- Verify that inmate wants to pursue the TCL.
- Obtain inmate C-File and thoroughly review all case factors, confidential information, if any, and determine if inmate meets initial approval criteria.

### **Preliminary Determination**

If preliminary review of case factors reveals ineligibility for a TCL, or other specific information reflects a strong probability of denial, further TCL processing shall be suspended. A CDC Form 128-B, Information Chrono shall be prepared by the caseworker outlining the ineligible/negative facts with a recommendation to deny the TCL request. The chrono shall be referred to the designated approving authority for review and signature, or a decision to proceed with TCL processing.

### **Review and Verification**

- If decision is to continue TCL processing, review all other case factors including disciplinary history, prison/street gang affiliations, commitment circumstances and custody level to determine recommendations for escorted versus nonescorted leave.

### **Parole/Community Correctional Center (Inmates under Escort)**

In community correctional center settings, classified inmates will not normally require staff escort. However, escort may be considered necessary for assigned inmates with serious disciplinary actions pending. Inmates who have been placed in a county jail pursuant to PC 6253(b), or who have a hold pending, shall require custodial escort.

In cases of parolees in custody pending revocation proceedings, the Parole Agent shall be required to follow all TCL review and verification procedures to determine escort recommendations. Reasons and circumstances surrounding in-custody status shall be carefully evaluated. All in-custody parolee cases with a hold shall require staff escort.

### **Caseworker Preparation of CDC Form 601 (TCL) Information**

- A CDC Form 601, Request for Temporary Community Leave, shall be completed and all required signatures obtained for all TCLs.

The caseworker shall establish and recommend the required length of leave, (exact departure and return times), determine reasonable cost estimate to cover leave expenses, and ensure that the funds are in the inmate's trust account prior to final approval. If funds are not available and no volunteer escort is obtained, the TCL request shall be denied and properly documented on a CDC Form 128-B, Information Chrono.

All family emergency/prerelease leaves from an institution shall require caseworker contact with Parole authorities and the leave purpose and itinerary outlined. This contact shall be reflected in the verification section of the CDC Form 601.

### **TCL Clothing**

Arrangements for civilian clothing for the inmate during the TCL shall be made by the assigned caseworker based upon local facility supplements.

### **62070.5.2 Processing Responsibilities**

It is the assigned caseworker's responsibility to ensure, either directly or indirectly, that all required documentation for an emergency TCL is properly processed, signed, and presented to the designated centralized location of the inmate's release. Specified records office staff shall assist in providing these services.

- Family emergency/prerelease leaves from the institutions shall require preparation of a CDC Form 161, Checkout Order. A CDC Form 193, Inmate Trust Account Withdrawal, shall be prepared to cover TCL expenses.

### **Community Correctional Center inmates**

In cases of community correctional center inmates approved for ongoing release to attend work, training, or educational programs, a CDC Form 601 shall be required for initial approval only. This approved form shall authorize ongoing releases thereafter and shall be maintained on file at the local facilities.

### **Escape Notification**

Leaves under escort shall require the preparation of an inmate identification card with two recent photographs (front view/profile view) which contains all necessary all points bulletin (APB) information. In the event of escape, this information shall immediately be presented to the nearest law enforcement agency by escorting personnel. The escort(s) shall then notify their institution/parole region and report the incident.

### **Funds/Medication**

The caseworker shall ensure that all documents, including advance funds for the TCL and authorized medications for the inmate are included in the TCL package. For prerelease TCLs up to \$100 of the inmate's \$200 release funds may be advanced upon approval by Parole Agent, to cover specific personal expenses, i.e., clothing, food, and carfare. (This advance allowance shall not be permitted for reimbursement of community correctional center fee charges.)

### **Escort Staff Briefing**

When possible, the caseworker shall personally discuss the TCL plan and inmate case factors with escorting personnel prior to TCL departure. If personal contact cannot occur, any special instructions or extraordinary information pertinent to the TCL shall be documented on a CDC Form 128-B or memorandum to

the escorting staff and included in the escort package for the TCL. Additional briefing of escort personnel by custodial supervisors prior to departure may be required.

#### **TCL Log**

A temporary community release log shall be maintained in a designated location at all facilities. The following staff shall be responsible for maintaining this log:

- Institutions: Watch Commanders.
- Community correctional centers: Reentry Specialist.
- Paroles: Unit Supervisors.

The chronological log (see attached exhibits A&B), shall require a listing of the inmate's name, prison number, date and time of departure, scheduled return time, and actual return time. All log entries shall reflect the date and signature of the employee making the entry.

#### **Failure to Return**

Inmates who fail to return from a leave within the designated time period shall be charged with escape. If staff is notified that the inmate's return has been unavoidably delayed, arrangements shall immediately be made to place the inmate in custody at the nearest Department facility.

#### **Searches Upon Return**

Upon return from a TCL, a search of the inmate shall be conducted by institution/facility staff to prevent the introduction of contraband. The degree and extent of the searches (clothed, unclothed, electronic, etc.) shall be determined by institution/facility security requirements.

#### **Interviewing the Inmate**

A post leave interview shall be conducted with all inmates returning from family emergency/prerelease leaves. The caseworker shall conduct the interview if on duty when the inmate returns. The institution watch commander, watch sergeant, or reentry staff on duty shall conduct the interview if the inmate returns after normal work hours or on weekends and holidays.

The interview shall be documented on the post leave review section of the CDC Form 601. In cases of a return from a funeral or critically ill bedside visit, a close evaluation of the inmate's escape potential or other signs of unusual behavior shall be made. If post leave interview is conducted by custody staff, a follow-up interview shall be held by the caseworker upon their return to duty. All original and post leave TCL documents shall be placed and maintained in the inmate's C-File or the reentry facility file if applicable.

#### **62070.6 Prerelease Planning Leave**

Prerelease planning leaves may be granted for the following reasons:

- Employment interviews.
- Making residential arrangements.
- Taking employment examinations.
- Obtaining business/profession licenses related to employment plans.
- Testing/registering for academic or vocational programs to begin after release date.
- Handling other specific business/personal matters related to reentry, as determined necessary by departmental staff.

##### **62070.6.1 General Criteria**

All general criteria outlined in DOM 62070.4 shall be applicable to prerelease planning leaves.

##### **62070.6.1.1 Release Date Criteria**

The following release date criteria shall be established on inmates prior to considering a prerelease planning TCL request:

- Parole date is within 90 days or less (institutions).
- Discharge date is within 90 days or less and inmate has been approved for community correctional center placement.
- Inmate is housed in a community correctional center and is within 180 days or less to parole.

##### **Exclusion**

- See DOM 62070.4.1.

##### **62070.6.1.2 Criteria for Custodial Escort**

Criteria outlined in DOM 62070.4.2 (Custodial Escort) shall apply for all prerelease leaves.

##### **62070.6.2 Sentencing Law Considerations**

- Determinate Sentence Law (DSL) PC 1170. Inmates sentenced under PC 1170 may be granted a normal prerelease TCL up to 60 days prior to their parole date.
- Indeterminate Sentence Law (ISL) PC 1168. Inmates sentenced under PC 1168 may be granted a prerelease TCL up to 63 days prior to their parole date.

This differs from the 60-day limit for DSL cases to allow for an advancement of up to 60 days on parole dates by parole authorities for inmates sentenced under this law.

#### **Normal TCL Defined**

A normal prerelease TCL is one that may be approved on inmates for the reasons outlined in DOM 62070.6 (Prerelease Planning Leave) and who have 60/63 days or less remaining to parole (or discharge if approved for community correctional center placement).

### **Exceptional TCL defined**

An exceptional prerelease TCL is one which may be approved on inmates who are within 90 days or less to parole (or discharge if approved for community correctional center placement) for purposes of taking civil service examinations, attending special employment interviews, college enrollment or entrance examinations, etc., when it has been verified that the event will not be scheduled within the 60-day period prior to release.

Exceptional prerelease planning leaves require personal approval by the Warden and RPA.

**Note:** A written report by the Warden to the Assistant Deputy Director, Institutions Division, shall be prepared, outlining the reasons for approving the exceptional leave.

### **62070.6.3 Initiating Prerelease Leave**

#### **Parole Agent**

A prerelease TCL may be initiated by either parole or institution staff upon request of the inmate.

When TCL is initiated by paroles and the inmate is in an institution, the Parole Agent shall be responsible for verifying that the request is valid through field contacts and other necessary methods. The Parole Agent shall supply institution staff with all available information; i.e., names and addresses of all contacts to be made by the inmate, reasons for TCL, itinerary to be followed, and recommended length of leave to accomplish the purposes outlined.

#### **Caseworker**

When the TCL is initiated from an institution, the caseworker shall contact the assigned Parole Agent, outline the reasons and information concerning the prerelease leave request and obtain the agent's agreement on the necessity for the leave. Whether institution or parole initiated, approval for the leave shall be required by both the Warden and the parole unit supervisor.

### **62070.6.4 Screening Responsibilities Parole Agent/Caseworker**

The screening and review requirements and responsibilities outlined in DOM 62070.5.1 shall apply for prerelease planning leaves.

The verification processes for prerelease planning leaves shall only differ from an emergency leave by who shall be contacted to verify the leave plan of the inmate.

### **62070.6.5 Processing**

Prerelease TCLs shall be processed as outlined in DOM 62070.5.2.

### **62070.6.6 Parole From a TCL**

Inmates may be released on parole from a TCL under the following conditions:

#### **Indeterminate sentence law cases (isl)**

- An advancement of up to 60 days on a parole date may be approved by a Parole Agent for inmates sentenced under ISL. This advancement may occur while an inmate is on a prerelease planning leave and is contingent on parole staff's approval of the inmate's confirmed employment/residential plans and following criteria:
  - No advancement shall be approved to release inmates prior to their minimum eligible parole date.
  - The releasing authority has not specifically directed that the parole date is not to be advanced.
  - There are no administrative reasons prohibiting the parole advancement; i.e., pending serious disciplinarys, rescission proceedings, etc.
  - Any and all specified parole conditions have been fully met.
  - The PA has authorized, in writing (CDC Form 1504, Parole Release Authorization), the parole advancement in accordance with BPT rules. The CDC Form 1504 shall be forwarded to the institution.

#### **Determinate Sentence Law Cases (dsl)**

- Advancement of a parole date cannot be granted for an inmate sentenced under DSL. However, an inmate under DSL shall be released to parole while on a TCL when the leave extends to the inmate's established release date. This may occur in rare instances where a leave is approved within the three day period prior to the inmate's established parole date.

### **62070.6.6.1 Methods/Responsibilities for Parole From TCL**

The parole unit supervisor shall be responsible for notifying the institution when an inmate is paroled from a TCL. The following actions shall be taken:

#### **Parole Staff**

- The unit supervisor shall notify the institution by FAX (Attention): C&PR, of the inmate's parole advancement and release to parole from a TCL.
- The unit supervisor shall sign and process the CDC Form 611, Release Program Study, outlining the factors for authorizing the release.

#### **Institution Staff**

- Upon receipt of FAX authorizing the inmate's release to parole from a TCL, the C&PR shall notify the inmate's captain, caseworker, and facility watch commander that the inmate has paroled from the TCL.
- The C&PR shall direct the CCRM to process and complete all parole records on the inmate.

#### **Personal Property**

- The captain shall be responsible to coordinate the disposition of the inmate's personal property with receiving and release (R&R) and parole unit staff.
- If parole from the TCL is anticipated prior to the inmate leaving the institution, the inmate shall be required to sign a CDC Form 193, Inmate Trust Account Withdrawal, to cover the cost of shipping the inmate's personal property, including any personal handicraft materials. The inmate shall be required to supply staff with the name and complete address to where the property shall be shipped.
- If parole while on TCL was not anticipated, the Parole Agent shall be contacted for instructions regarding the disposition of the inmate's personal property. Under this condition, the costs for shipping the property to the designated location shall be deducted from the inmate's release fund allowance and records office staff shall be notified to take this action.

#### **62070.6.6.2 Special Cases/Parole From TCL**

Inmates determined to require immediate contact with a Parole Agent upon release may be granted a TCL up to three days prior to their parole date under the following conditions:

- The inmate's established parole date falls on a weekend or holiday.
- Special medication needs or other case factors have been documented by the Parole Agent on the release program study form specifying the need for immediate contact and requesting the early release.
- The inmate is eligible for an unescorted TCL.

#### **Responsibilities PAROLE AGENT/C&PR**

The Parole Agent shall initiate the TCL and make all itinerary, travel, and reporting arrangements surrounding the leave.

The institution C&PR, upon receipt of the request and information, shall process the TCL for this purpose.

Inmates not eligible for an unescorted TCL, but requiring immediate contact upon release, shall be picked up by the Parole Agent on their established release date.

#### **62070.7 College Leave**

Temporary leaves may be granted to inmates for the purpose of attending college classes. College leaves shall require approval of the Warden and the Director.

##### **62070.7.1 Exclusion Criteria**

Inmates with case factors as outlined in DOM 62070.4.1 (Exclusion Criteria) and DOM 62070.4.2 (Criteria for Custodial Escort) shall not be approved for a college leave.

College leaves shall be considered only when the college courses or fields of study are not offered at the institution or facility where the inmate is being housed.

Approval/denial shall be contingent on college staff's agreement to accept the inmate for enrollment.

#### **Funding and Transportation**

All expenses involved in an approved off-site college education program shall be borne by the inmate. A lack of funds to cover such expenses shall be cause for denial. Arrangements for transportation to and from the college program shall be the responsibility of the inmate and shall be approved by institution/facility staff.

##### **62070.7.2 Review and Processing Responsibilities**

The initial request by an inmate for a college leave shall be by the institution supervisor of education who shall perform the following functions:

#### **Supervisor of Education**

- Consult with the inmate and develop a program objective and attendance plan.
- Contact college staff and mutually review the program objectives, attendance plan, and the inmate's educational qualifications to pursue the program outlined.
- Obtain written approval from college officials to accept the inmate for enrollment.

#### **Caseworker**

The caseworker shall thoroughly review the submitted plan and take the following actions:

- Review and verify the request for the leave utilizing the basic criteria as outlined in DOM 62070.5.1.
- Process the request as outlined in DOM 62070.5.
- Prepare a memorandum for the Warden, to the Director, citing the request. This document shall outline the inmate's commitment offense, criminal history, institution adjustment, custody classification, parole/discharge date, and educational achievements. The memorandum shall also include the personal recommendation of the Warden concerning the request.

#### **62070.8 Reentry Leaves/Furloughs**

Temporary community leaves from community correctional centers are subject to all criteria, screening, review/verification, and approval methods previously outlined in this section.

#### **CDC Form 601 [Temporary Community Release (TCR)]**

A CDC Form 601 shall be processed for all approved leaves. Leaves (furloughs) for the purpose of routine time and travel to and from established work/educational programs requires a one-time processing of a CDC Form 601 as outlined in DOM 62070.5.2 (Community Correctional Center Inmates).

##### **62070.8.1 Authorized Reentry Leaves and Conditions**

Leaves may be approved for reentry inmates for the purposes outlined in DOM 62070.3 (Inmate Requested Temporary Removals). Additionally, short-term facility leaves of not more than six (6) hours, between 0700 and 2100 hours, may be approved for personal business/convenience purposes as described below:

- Purchases of personal items, i.e., clothing, hygienic supplies, food, tools, etc.
- Medical/dental appointments.
- Developing release plans with Parole Agent or social services agencies.
- Attending religious services.
- Making employment arrangement.
- Participating in approved social/recreational activities.

**Note:** Leaves granted for the above purposes shall not be deducted from the allotted hours for regular TCLs described in subsequent DOM 62070.8.3 (Leave Hour Allotments).

#### **62070.8.2 Additional Criteria (Reentry Leaves)**

All reentry leaves requested by inmates (except family emergency TCLs) shall in addition to other criteria outlined, require the following:

- Housed at the facility a minimum of seven (7) days.
- Completed orientation, facility classification, and have an established action plan approved by facility staff.
- Be current on payment of facility fees.
- Have no disciplinary pending.
- A minimum of twelve (12) hours has elapsed since last approved TCL.

#### **Emergencies During orientation period**

A request for a family emergency TCL during the period of reentry orientation shall require a classification committee action to review case factors and confirm the inmate's custody level. This classification action shall be used (with other criteria outlined for approval/denial of emergency TCLs) to determine escort/non-escort requirements. This action may be done in absentia, providing no adverse actions are taken.

#### **62070.8.3 Leave Hour Allotments**

The maximum number of hours permitted for prerelease planning leaves in a community correctional center are:

- Sixty hours during the first month.
- Ninety-six hours during the second month.
- One hundred forty-four hours during the third and subsequent months.

*Note:* These leave hour allotments are a privilege and are subject to loss or reduction through formal disciplinary actions.

#### **62070.8.3.1 Time and Travel Limits (Reentry Leaves)**

Although no leaves will be approved for periods longer than necessary to accomplish the stated purposes, the following maximum limits shall apply:

- Furloughs.
  - Furlough leaves for attending established work, academic or vocational training programs shall be limited to twelve hours per day.
- Short Term Facility Leaves (passes).
  - Limited to six hours per day.
- Family Leaves/Prerelease Planning.
  - Leaves for purposes of re-establishing family ties and special preplanning leaves requiring an extended absence to accomplish shall be limited to thirty-six hours.
- Family emergency.
  - Family emergency TCLs shall be limited to the time necessary to complete the purpose however not more than seventy-two hours.

#### **Travel Limits**

All temporary leaves from a reentry facility (excluding emergency leaves) shall be limited to a thirty-mile radius unless a longer distance is specifically approved in writing by the supervisor/facility manager.

#### **Advance Notice Requirements (Inmate)**

It shall be the inmate's responsibility to make advance requests for specific types of leaves within the following minimum time periods:

- Less than twelve hours; twelve hours in advance.
- Overnight; forty-eight hours in advance.

#### **62070.8.4 Employment/Training Leave Verification/Processing (Responsibilities)**

The reentry specialist, upon notification by the inmate of a proposed employment/training program, shall take the following actions:

- Evaluate the proposed employment/training program.
- Contact and inform the proposed employer of:
  - Inmate's status.
  - Limits placed on inmate.
  - Need for cooperation between employer and agent.
  - Frequency of contacts required.
- Ensure that employer is reputable, possesses a business license, pays by check, withholds State/Federal Income Tax, and State Disability Insurance.
- Assess distance of job/training program from facility.
- Evaluate means of transportation to be used.
- Ensures that inmate's criminal background/case factors does not preclude job assignment.
- Verify that job/training hours do not violate the 12-hour daily time limit.
- If proposed program is for education/vocational training:
  - Determine a well defined need exists for inmate to participate in the program.
  - Determine that program will lead to employment before or shortly following parole.

#### **62070.8.4.1      Reclassification (Employment/Training Approval)**

Upon verification and approval of an inmate's job or training program, an in absentia CDC Form 128-G, Classification Chrono shall be prepared by the reentry specialist with a signature block for the facility manager, which shall be signed. The chrono shall include the following:

- Description of program/job.
- Rate of pay.
- Hours that inmate will leave and return to facility.
- Type/means of transportation.
- Any specific instructions to be given to the inmate.

#### **62070.8.4.2      Facility Controls (Approval Furloughs)**

Reentry facility managers shall be responsible for establishing and maintaining the following controls on inmate's approval for job/training furloughs:

- Maintain a daily roster on all approved inmate furloughs which contains:
  - Complete daily itineraries.
  - Scheduled departure and return times.
  - Name of contact person at program site.
  - Address and phone number of program location.
  - Daily contact/verification section.
- Require that a facility staff member makes daily telephone contacts with designated contact person, confirms the inmate's compliance with the program/itinerary and records this contact in facility roster.

#### **62070.9            Medical/Psychiatric Removals**

Inmates may be temporarily removed from an institution to a community medical facility for medical, psychiatric, or dental purposes under conditions outlined in this section.

##### **62070.9.1           Conditions for Removal**

Medical removals shall be authorized for the following:

- Medical, dental, or psychiatric examination, diagnosis or treatment that is not available at the institution or within other medical facilities of the Department.
- Emergencies, wherein immediate care and treatment cannot be provided at the institution and transfer to another institution that may provide the service is not reasonable.

##### **62070.9.2           Approval**

Temporary removals for medical reasons shall be approved by the CMO, the AW responsible for the inmate, and the Warden or chief deputy Warden.

##### **Weekends, Holidays, and After Normal Work hours**

Medical emergencies requiring removal of inmates to a community medical facility occurring after normal work hours, or on weekends and holidays, may be authorized by the institution watch commander, and/or the administrative officer-of-the-day (AOD). When time permits, the facility watch commander shall seek prior approval from the AOD for the emergency removal. When immediate contact is not possible, the AOD shall be notified as soon as possible and all details of the removal reported.

##### **62070.9.3           Procedures/Responsibilities (Medical Removals)**

During normal work hours, the CMO shall direct medical staff to complete a CDC Form 7252, Request for Authorization of Temporary Removal for Medical Treatment. A separate CDC Form 7252 shall be required for every removal.

##### **AW**

The CDC Form 7252 shall be forwarded to the AW in charge of the inmate for a custody/security review. The AW level review shall require the following:

- A review of the inmate C-file to determine escape/violence potential, commitment offense, sentencing status, custody level, etc.
- Determine in writing, the type and degree of security/custody escort required. This order shall include:
  - Type and amount of restraint equipment.
  - Number of escort personnel.
  - Type of transportation.
  - Type and number of weapons to be used.
  - Any special security instructions, i.e., additional escort vehicles, specific travel routes, etc.

**Note:** All removals for medical/psychiatric purposes shall require custodial escort. The type and degree of escort shall be determined by the above procedure and as outlined in DOM 55060, Transportation of Inmates. Hospital coverage shall also be determined by this section.

##### **Warden**

The CDC Form 7252 shall be forwarded to the Warden or chief deputy Warden for final approval.

##### **Records Office staff**

Records office staff shall process the requirements to effect the removal as outlined in DOM 62070.5.2, Temporary Community Leave. The original CDC Form 7252 shall be placed in the inmate's C-file and a copy in the inmate's medical file.

#### **62070.9.4 Emergency Removal Procedures/Responsibilities Medical Staff (Emergencies After Normal Hours, Holidays/Weekends)**

When medical emergencies occur during other than normal work hours requiring an inmate(s) removal to a community medical facility, the senior medical staff person on duty shall:

- Contact the assigned medical officer-of-the-day (MOD) and describe the medical circumstances.
- Receive emergency medical/treatment instructions from the MOD.
- Obtain verbal approval from the MOD to remove the inmate(s) to an appropriate community medical facility based on circumstances of the injury/illness.
- Notify the watch commander and report all details and instructions.

#### **Watch Commander/AOD**

The institution/facility watch commander shall be responsible to coordinate and effect emergency medical removals during non business hours.

The watch commander shall assume the responsibilities outlined for the AW in DOM 62070.9.2 for medical removals under these described conditions. The AOD, if present or in contact during the emergency, shall assume responsibility for authorizing the removal.

#### **Custodial Coverage Community Hospital**

The AOD and watch commander shall ensure that appropriate custodial coverage is provided at the community hospital as outlined in DOM 55060, Transportation of Inmates.

#### **62070.10 Release to Hold**

California statute authorizes the Department to release inmates whenever official detainers are on file from other law enforcement jurisdictions within the state.

##### **62070.10.1 Conditions for Release/Retention in Custody**

Inmates that have scheduled release dates and are to be released to a "Hold" lodged by a law enforcement or other agency may be:

- Released to the agency lodging the detainer within five days, or five court days, if the law enforcement agency lodging the detainer is more than 400 miles from the county in which the institution is located, prior to the scheduled release date, provided the inmate remains in custody until the scheduled release date.
- Retained in custody of the Department up to five days, or five court days, if the law enforcement agency lodging the detainer is more than 400 miles from the county in which the institution is located, after the scheduled release date to facilitate pickup by the agency lodging the detainer.

##### **62070.10.2 USINS Holds**

Inmates/parolees scheduled to be released to an active USINS detainer shall be released as follows:

- Release the inmate/parolee to the USINS officials within five days prior to the scheduled release date if the agency is within 400 miles of the releasing institution, or five court days prior to the scheduled release date if the agency is more than 400 miles from the releasing institution, provided the inmate/parolee is kept in custody until the scheduled release date.
- Retain the inmate/parolee in custody no more than 48 hours beyond the scheduled release date to facilitate pick up by USINS officials.
- If the USINS officials cannot pick up an inmate/parolee within the required time limitations, notations are to be made on the CDC Form 850, Detainer Summary, that USINS cannot pick up the inmate/parolee. The notations will include date, time, name of USINS official spoken to, and name of the Department staff person making the notation. The inmate/parolee is to be given reporting instructions and released to parole (or discharged if applicable) providing there is no other detainer/reason that would preclude release. PC 2713.1 does not prohibit the granting of prerelease funds to these individuals.

##### **62070.10.3 Procedures/Responsibilities C&PR/CCRM**

The C&PR and CCRM shall be responsible to coordinate the release of inmates under detainer status and contact the agency lodging the detainer.

#### **Records Staff (Early Release)**

When it is determined that an agency with a hold will assume custody of an inmate prior to the scheduled release date, the following actions shall be taken:

- A CDC Form 161, Checkout Order, shall be prepared reflecting the date of release to the agency and the actual parole date of the inmate. This information shall facilitate accurate OBIS entries.
- A CDC Form 801, Department Detainer, shall be prepared on the inmate with a notation not to release prior to scheduled parole date.
- Follow all other established parole release procedures as outlined in DOM 75010, Case Records.

#### **C&PR (Notification to Inmate)**

Inmates retained in Department custody beyond their scheduled release date to facilitate pickup, shall be notified in writing (CDC Form 128-B) by the C&PR. The CDC Form 128-B, shall specify the following:

- Information regarding the detainer.
- Agency requesting the extension.
- Date of scheduled release to the agency assuming custody.

#### **62070.11 Off-Reservation Work Assignment (ORWA)**

Inmates may be temporarily removed from an institution/facility for the purpose of performing work related to the institution/facility or other state/federal agencies and subdivisions as authorized by California statute.

##### **62070.11.1 Exclusionary Criteria**

Inmates with case factors outlined in DOM 62070.4.1 and 62070.4.2 shall not be considered for off-reservation work assignment (ORWA). Inmates convicted for, or with a history of arson, or inmates with five or more years remaining to their established release date, shall also be excluded from ORWA.

### **62070.11.2 Escort Requirements**

All removals for ORWA purposes shall be under custodial escort. Photographs and escape information shall be in possession of escort personnel as described in DOM 62070.5.2. Inmates shall be attired in prison clothing. Travel routes, emergencies, and all other escort procedures outlined in DOM 62070.5.2 shall be adhered to.

#### **Searches**

Inmates removed from a facility for ORWA purposes shall be searched prior to removal and upon return from their assignment. The degree of the searches shall be determined as outlined in DOM 62070.5.2(7).

### **62070.11.3 Review/Approval (Methods and Responsibilities)**

Consideration for ORWA classification shall include the following actions:

#### **Correctional Counselor**

- The CC-I shall initiate a preliminary review of inmate case factors for ORWA consideration.
- Eligible inmates identified by the caseworker shall be referred to a unit/institution classification committee (UCC/ICC) for review.

#### **Classification Committee**

- Review case factors for ORWA clearance.
- Cases approved at classification shall be recorded on a CDC Form 255, Off-Reservation Work Assignment Eligible List, and forwarded to the Warden or chief deputy Warden for final approval.

#### **Warden/Chief Deputy Warden**

- Review case factors of inmates submitted on CDC Form 255 for final ORWA approval.
- Delete from the list any inmates determined unacceptable.
- Sign and forward approved list to designated staff responsible for effecting ORWA releases.

### **62070.12 Community Betterment/Delinquency Prevention**

Wardens may establish community betterment and delinquency prevention programs within the institutions and approve the temporary removal of inmates for participation. The intent and purpose of these programs shall be to orient communities to the consequences of crime and delinquency. Controls shall be established by the program coordinators to prevent glorification of crime and/or the criminal, or criticisms of statutes and law enforcement agencies.

#### **62070.12.1 Program Coordinator**

The institution community resources manager shall be responsible for overall coordination of the program.

A list of all approved inmates for community betterment/delinquency prevention participation shall be maintained by the community resources manager (CRM).

Community groups selected for speaking engagements shall be approved by the coordinator prior to scheduling.

#### **62070.12.2 Criteria/Approval Methods**

Off-reservation work assignment clearance shall be required for inmates assigned to community betterment programs. All criteria, review and approval methods outlined in DOM 62070.11.1, 11.2, and 11.3 (ORWA) shall apply to community betterment assignments. Participation shall be voluntary.

#### **Escort Limitations**

A maximum limit of four inmates per speaking engagement shall be permitted unless otherwise approved in writing by the Warden or designee. Overnight engagements shall be prohibited. Travel distance from the institution for speaking engagements may be limited by the Warden.

### **62070.13 Disaster Relief Teams**

Inmates may be temporarily removed from an institution/facility for the purpose of providing assistance to communities during a major disaster or enemy attack.

#### **62070.13.1 Assigned Duties**

Disaster teams (emergency crews) may be utilized to assist communities surrounding the institution in providing the following types of services:

- Firefighting.
- Salvage operations.
- Rescue operations.
- Identification/burial of dead.
- Registration of homeless.
- Other services approved by the Warden.

#### **62070.13.2 Approval Criteria Escort**

Disaster crews shall be selected from the institution list of inmates approved for ORWA. Inmates approved for this purpose shall have an X suffix added to their custody, i.e., ORWAX. Disaster crews shall be under custodial escort and supervision during the period of removal and subject to all procedures outlined in DOM 62070.11.2, Escort/Search Requirements.

### **62070.14 Court-Ordered Removals**

Inmates may be temporarily removed from an institution/facility for specific court-ordered appearances. Court-ordered removals shall be authorized and effected under the criteria and procedures outlined in DOM 73040, Case Records.

### **62070.15 Revisions**

The Deputy Director, Institutions or designee, shall ensure that the content of this section is current and accurate.



**62070.16      References**

PC §§ 1168, 1170, 2600, 2620-2625, 2690-2692, 2700-2710, 2716, 2760, 2761, 2780, 2781, 2790, 2931, 3056, 3057, 3410 - 3425, 4530, 4755, 5054, 5055, 5068, 5080, 6202, 6250-6256, 6260-6266.

CCR (15) (3) §§ 3040, 3044, 3072, 3080-3083, 3273, 3275-3280, 3304, 3325, 3350, 3375.

CCR (15) (2) §§ 2355 - 2359.

W&I § 300.

CC § 232.

18 USC 1961.

ACA Standards 2-4015, 2-4411 - 2-4414, 2-4416 - 2-4419, 2-4434, 2-4480 - 2-4486.

## ARTICLE 12 — TREATMENT CATEGORIES

*Revised October 31, 1990*

### **62080.1 Policy**

Inmates committed to the Department who are identified as in need of special medical/psychiatric treatment shall be evaluated and placed into specialized medical/psychiatric treatment category programs.

### **62080.2 Purpose**

This section establishes standard procedures for the orderly identification, evaluation, and acceptance of those inmates in need of special medical/psychiatric treatment programs.

### **62080.3 Treatment Categories**

#### **Medical**

Assignment into and out of all medical treatment categories shall be through the classification process and endorsement by a CSR. Classification committee referrals to a CSR shall also include the appropriate medical recommendation on a CDC Form 128-C, Medical - Psychiatric - Dental Chrono, signed by a physician and/or psychiatrist dated within 90 days of the CSR's review. The CDC Form 128-C shall indicate that an agreement has been reached between sending and receiving physicians. Inmates endorsed for specific medical treatment categories shall receive at a minimum an annual medical evaluation to determine if continued medical placement is appropriate. The case shall be submitted to a CSR for review and endorsement at least on an annual basis.

### **62080.4 Acute Medical Inpatient**

#### **Category "H"**

Inmates who require medical services and/or surgical care in a general acute care hospital are designated Category "H". Category "H" care is provided at CMF, CIM, and California Men's Colony - East (CMC-E). Female inmates and male inmates with medical needs that cannot be met in CDC hospitals may be transferred to a community hospital.

### **62080.5 Medical Inpatient**

#### **Category "N "**

Inmates with chronic medical illness requiring skilled nursing or intermediate level medical care are designated Category "N". This program has licensed nursing staff on duty at all times and is provided at CMF, CIM, and CMC-E. Female inmates requiring this level of service shall be transferred to a community hospital unless special arrangements can be made at the CIW infirmary. This category is not for inmates in infirmaries undergoing short-term treatment of minor illness.

### **62080.6 Medical Outpatient**

#### **Category "O "**

Inmates who have recurrent, contagious, chronic, or other medical problems that do not require inpatient care but do require frequent outpatient diagnostic, treatment and/or rehabilitation services shall be designated Category "O". This category includes those inmates on dialysis or unusual diets and those requiring treatment and who are wheelchair-bound or blind.

This category is provided at the acute general hospitals at CMF, CIM, CMC-E, and the CIW infirmary. Inmates unable to climb stairs shall not be transferred to CMC-E.

### **62080.7 Treatment Categories Psychiatric**

#### **General**

Inmates who suffer impaired functioning sufficient to require a mental health treatment program due to symptoms of a major mental illness shall be transferred to CMF, CMC-E or CIW for psychiatric evaluation. The psychiatric referral and diagnosis shall be consistent with the standards of the American Psychiatric Association, DSM-IV-R, Classification Axis I, II and V.

Reception Center psychiatric referrals shall be documented on a CDC Form 128-C and referred to a CSR. The CSR shall endorse reception center process cases to CMF, CMC, or CIW for psychiatric evaluation.

Upon completion of the psychiatric evaluation, the case shall be returned to a CSR for confirmation of the recommended psychiatric program and placement at CMF, CMC-E or CIW or DMH. Inmates not requiring a psychiatric program shall be placed at an institution in accordance with the classification score and other program needs.

### **62080.7.1 Reception Centers**

Reception Center inmates designated psychiatric category on a prior term shall be evaluated by psychiatric staff for reestablishment of the category based on the current need for psychiatric intervention.

This evaluation shall be documented on a CDC Form 128-C and shall include a recommendation for housing at CMF, CMC-E or CIW if intervention is indicated.

If psychiatric intervention is not indicated, staff shall recommend general population placement. The Category "U" shall not be used at reception centers.

### **62080.7.2 Institution Referrals**

Institution requests for psychiatric evaluation shall be documented on a CDC Form 128-C and referred to a CSR for endorsement to CMF, CMC-E or CIW as "psychiatric evaluation and return" cases.

Inmates determined not to be in need of psychiatric intervention shall be returned by the C&PR to the sending institution, providing the CDC Form 128-C documenting the psychiatric evaluation is available and dated within 90 days of C&PR review.

Inmates endorsed for specific psychiatric treatment categories shall receive at least annually, a psychiatric evaluation to determine if continued psychiatric treatment is necessary. This annual evaluation shall result in a classification review and referral to a CSR for confirmation of the inmate's category designation.

### **62080.7.3 C&PR Designation**

C&PRs at CMF, CMC-E and CIW may re-designate between Category "I" and "J" inmates based on current program status by using a CDC Form 840, CDC Reclassification Score Sheet.

### **62080.8 Inpatient Psychiatric Care**

Inmates housed at CMF, Atascadero State Hospital (ASH) or Metropolitan State Hospital (MSH) who demonstrate impaired functioning due to symptoms of a major mental disorder shall be designated Category "I".

#### **Category "I"**

This category shall include inmates determined to be:

- Unable to perform normal institution routines.
- Unable to provide for their basic needs or utilize available treatment resources.
- Suicidal or self-abusive.
- Inmates who demonstrate impaired functioning or other abnormal behavior of unknown etiology may be admitted for observation and diagnostic study.

Cases shall be designated Category "I" only by CMF/DMH, CMC (ASH cases) or CIW (MSH cases) staff.

#### **62080.8.1 Inpatient Observation, Unclassified**

Other institutions with inmates appearing to meet Category "I" criteria shall provide this information to the designated contact person at CMF/DMH or CIW. This may be accomplished by telephone interview.

Upon verbal acceptance the DMH evaluation team will notify CMF C&PR who will request FAX approval for transfer as "inpatient observation, unclassified." (Refer to 62080.16.1).

Female inmates needing inpatient psychiatric services shall be referred to a state hospital by CIW staff. Male inmates at CMC needing inpatient psychiatric services shall be referred to ASH or CMF/DMH.

#### **62080.8.2 PC 2684**

DMH provides inpatient services for inmates transferred from psychiatric programs at CMF, CMC, and CIW to a state hospital pursuant to PC 2684. These inmates shall be designated Category "I" during their state hospital placement.

### **62080.9 Outpatient Psychiatric Care**

Outpatient care shall provide a supportive milieu in a program designed to maintain or improve social and psychiatric functioning.

#### **Category "J"**

Inmates in an outpatient psychiatric treatment program shall be designated Category "J". They may be received from reception centers or other institutions diagnosed as suffering from a major mental illness sufficiently disabling to prevent adjustment to the general population without psychiatric intervention.

#### **62080.9.1 Criteria**

These individuals shall have a DSM-III-R Axis I diagnosis of:

- Schizophrenia.
- Delusional Disorder.
- Brief Reactive Psychosis.
- Schizophreniform Disorder.
- Schizoaffective Disorder.
- Induced Psychotic Disorder.
- Atypical Psychosis.
- Bipolar Disorder - sufficiently disabling to preclude general population placement.
- Major Depression - Depressive disorder not otherwise specified.
- Other Axis I diagnosis concomitant with an Axis V Global Assessment Function Score of 50 or less.

Category "J" designation shall not include inmates in need of acute psychiatric hospitalization as provided for by Category "I" criteria.

#### **62080.9.2 General**

This category shall be provided at CMF, CMC-E and CIW and shall only be designated by staff at these institutions.

CMF shall house Category "J" inmates who are assaultive or otherwise present management problems. CMC-E shall house inmates chronically disabled by mental illness who are not a danger to others and require little therapeutic programming beyond medication maintenance.

#### **62080.9.3 Category "J" SHU Placement**

When a Category "J" or "K" inmate is found guilty of a rule infraction requiring a SHU term be established, the Institution Classification Committee shall determine whether the act was likely a result of a developmental disability or a mental condition or if continued supportive milieu housing is necessary.

If it is determined that the inmate's disability or mental condition makes SHU programming impractical, the term shall be suspended or commuted and the inmate retained or transferred to the appropriate institution.

If it is determined that a male inmate continues to need supportive care, an evaluation for the Psychiatric Management Unit housing shall be recommended and/or completed by CMF staff. (Refer to DOM 62050.1.2.)

If it is determined that supportive housing is no longer required, the inmate shall be recommended for Category "U", the SHU term assessed, and an appropriate SHU program recommended or the term suspended or commuted and an institution and alternate recommended to the CSR.

## **62080.10 Supportive Care**

### **Category "K"**

Inmates with pronounced social inadequacies due to mental retardation and/or developmental disabilities that preclude general population placement shall be designated Category "K". These inmates shall have a DSM III-R Axis V diagnosis concomitant with a Global Assessment Function Score of 50 or less.

This category shall be provided at CMC-E, CMF and CIW. Male inmates with this designation who are assaultive or otherwise a management problem shall be housed at CMF.

## **62080.11 Psychiatric Diagnostic Program**

### **Category "X"**

Category X is a 90-day evaluation program ordered by the BPT for specific psychiatric or psychological assessment. Inmates shall be endorsed for Category X and return to the sending institution. FAX approval is required prior to transfer.

## **62080.12 Psychiatric Milieu Outpatient**

### **Category "T"**

Male inmates with identified psychiatric problems requiring outpatient group therapy or individual psychotherapy in a structured environment shall be designated Category "T". Normal participation in this program shall not exceed 12 months, and upon completion of the program, inmates are expected to return to the sending institution or transfer to another institution, if the sending institution is no longer appropriate.

Category "T" is provided only at CMC and is normally limited to those cases recommended by the BPT. FAX approval by Classification Services is required prior to transfer. In addition, Category "T" cases shall be presented to a CSR with a placement recommendation at the completion of or after 12 months in the program, whichever comes first.

## **62080.13 Psychiatric Recovered**

### **Category "U"**

Inmates who have recovered from a major illness requiring inpatient or outpatient psychiatric services shall be designated Category "U". A significant period (normally 180 days) of no serious psychiatric symptoms shall be considered evidence of recovery.

Category "U" shall include inmates no longer in need of psychotropic medication and those who are asymptomatic as a result of compliance with psychotropic medication. These inmates may be expected to function within a general population setting.

All inmates classified as Category "U" for a period of two years shall be reviewed for possible reclassification and deletion of the category designation.

### **62080.13.1 Inappropriate Category Designation**

Professional differences of opinion regarding an inmate's placement in a psychiatric category may occur amongst clinical staff at an institution. If these differences cannot be resolved informally, the case shall be referred to the institution's Chief Psychiatrist for resolution.

If the differences of opinion occur between clinical staff at separate institutions and agreement cannot be reached, the case shall be referred to the Chief Psychiatrist, Mental Health Services Branch, for resolution.

## **62080.14 Effeminate Homosexuals**

Male inmates who are preoperative transsexuals, or active effeminate homosexuals whose appearance and personality make them incompatible with general population housing, shall be presented to a CSR for placement in Category "B". A CDC Form 128-C is not required. Inmates shall not be placed in Category "B" solely on the basis of sexual preference or feminine traits, nor remain in Category "B" longer than their appearance and conduct makes necessary.

This category is provided only at CMF and is intended to provide safe, supportive housing for those likely to be easy victims of sexual assault as well as to avoid the conflict and disruption their presence would create in a general population institution.

## **62080.15 Medical and Psychiatric Transfers/ Non-Emergency**

Routine medical/psychiatric transfer requests shall be referred to a CSR with a recommendation from an appropriate classification committee.

Routine transfers for medical/psychiatric reasons generally are to resolve a specific short-term medical problem, psychiatric problem, or evaluation as a "medical/psychiatric return" placement or for special prolonged placement needs.

### **62080.15.1 Medical/ Psychiatric and Return**

No medical transfer for evaluation and/or short-term treatment shall be approved until a statement of acceptance has been obtained from the receiving institution's CMO or Chief Psychiatrist as appropriate. If the transfer request is within CDC policy, the CSR shall indicate endorsement in the usual manner. If the inmate is to be returned to the sending institution upon completion of evaluation or treatment, it shall be indicated on the CDC Form 128-G, Classification Chrono, by "Medical (Psychiatric) and Return".

Male inmates serving life without possibility of parole in need of emergency medical/psychiatric care shall be exempted from Departmental Review Board review requirements and shall be presented to a CSR for transfer approval.

### **62080.15.2 Department Form 128-C Documentation**

A medical officer's report on a CDC Form 128-C shall be attached defining, in lay language, the medical/psychiatric problem or reason for the evaluation; the relative seriousness of the case; the period of time within which the transfer should be effected; the type of transportation necessary; whether an attendant is required; if any medication or care is necessary while en route; and a statement that acceptance by the receiving CMO/Chief Psychiatrist has been obtained.

### **62080.15.3 CSR Review**

The responsibility for locating treatment or specialist resources shall rest with the medical/psychiatric department and not with the CSR. Such transfers shall usually be approved unless there is an extremely serious over-riding reason, in which case the CSR shall consult with the referring CMO or psychiatrist. If after the consultation the CSR determines the endorsement inappropriate, the case shall be discussed with the Chief, CSU, who shall consult with the Assistant Deputy Director, Health Services, to develop a transfer plan.

Inmates transferred for medical/psychiatric reasons may be admitted directly to the hospital, if necessary, pending an evaluation by a physician/psychiatrist.

#### **62080.15.4 C&PR Review**

When the medical procedures are completed for "medical and return" cases, the C&PR shall be notified. The C&PR shall review the case to ascertain if any medical, custodial or program considerations contraindicate the inmate's return to the sending institution. If there are contraindications, or an alternate program/institution is deemed preferable, the C&PR shall refer the case to a classification committee. If no contraindications exist, the C&PR shall refer the case to the institution's CCRM for return to the sending institution.

#### **62080.16 Medical and Psychiatric Placement**

For placements in a medical or psychiatric program, the following additional procedure is required:

- The CDC Form 128-C shall indicate that the inmate meets the criteria established for the program, as indicated above, and note the name of the accepting physician.

##### **62080.16.1 Criteria**

There are no referrals or waiting lists for transfers to the Inpatient Psychiatric Observation, Unclassified, Category "I," as transfers are to be accomplished within 72 hours.

The medical/psychiatric category designation shall be assigned at the time the inmate is approved for the program.

Clinical progress reports on a CDC Form 128-C shall be made quarterly, but may be completed more frequently if conditions warrant. A summary CDC Form 128-C report, a classification action, and CSR endorsement are required whenever an inmate is changed from a program category.

The C&PR is delegated the authority to act as a CSR for program changes between Categories "I" and "J", "J" and "H", and "N" and "O".

##### **62080.16.2 Enemy Identification Prior to Transfer**

Prior to all medical/psychiatric transfers, the C&PR of the sending institution shall notify the receiving institution's C&PR by telephone if the inmate has enemies at the receiving institution, so proper precautions may be taken. If the enemy situation precludes the transfer, the sending institution shall make an alternate institutional transfer arrangement to facilitate the inmate's needs.

#### **62080.17 Emergency Medical Transfers**

Upon acceptance of an emergency case by the CMO of the receiving institution and completion of transportation arrangements, the C&PR at the receiving institution shall contact the CSU for FAX transfer approval.

##### **62080.17.1 Ambulance Service**

The CDC air and land ambulance service shall be administered by CMF. Personnel assigned to the ambulance operation shall be familiar with the policies and procedures governing the transportation of inmates and the necessary procedures governing medical and psychiatric patients.

##### **62080.17.2 Ambulance Use**

The land or air ambulance shall be used only for cases in which the CMO/Psychiatrist of the sending institution has determined that such transportation is required. An MTA from CMF or the sending institution shall arrange to accompany the land or air ambulance. Requests for land or air ambulance use shall include information regarding custodial classification, degree of violence and any other useful information.

##### **62080.17.3 Medical Transporting of Parolees**

The land or air ambulance may also be used for transporting inmates to a parole placement or to return parolees to an institution when a medical/psychiatric statement is obtained indicating that this type of emergency transportation is medically/psychiatrically necessary.

The CMO at CMF shall schedule and route the air and land ambulance. Requests for ambulance use shall be directed to that office.

##### **62080.17.4 Emergency FAX Approval**

Upon approval and completion of transportation arrangements, the Associate Warden, Psychiatric Services, at CMF shall contact the CSU to request FAX transfer approval.

#### **61080.18 Involuntary Psychiatric Transfers**

Inmates involuntarily transferred to CMF for psychiatric treatment are entitled to a hearing regarding the transfer (Whitaker v. Rushen, No. C-81-3284 SAW). Upon arrival at CMF, such inmates shall be served with a Notice of Transfer to CMF. The notice explains the inmate's rights. The inmate may sign the notice waiving the rights or may request a hearing if opposed to the transfer. Inmates shall have this hearing at CMF.

##### **61080.18.1 Whitaker V. Rushen No. C-81-32-84 SAW**

The hearing shall be held within seven calendar days after arrival at CMF. If the hearing cannot be held within seven days, the inmate shall be informed in writing of that fact, the reason for the delay, and an estimated date by which he may expect the hearing. The inmate's counselor shall be assigned to assist the inmate in gathering evidence and interviewing witnesses and shall be present at the hearing. The hearing shall consist of a classification committee review of the case and shall include the following:

##### **Inmate Due Process**

- Determination that the inmate received written notice of the transfer to CMF stating that the inmate has a right to a hearing and that such hearings are normally held within seven days after arrival at CMF.
- The information relied upon in ordering the transfer to CMF shall be disclosed to the inmate. The inmate shall be heard in person and be permitted to present evidence, including witnesses, on his behalf.

One of the members of the classification committee shall be a psychiatrist employed by CDC. This person shall be an "independent decision maker" and shall not be the inmate's treating psychiatrist at either the sending or receiving institution.

Following the hearing, the independent decision-maker shall inform the inmate in writing of the committee's decision and the information relied upon in arriving at the decision (Whitaker v. Rushen).

The inmate may appeal the decision, using a CDC Form 602, Inmate/Parolee Appeal Form; within 30 days of receipt of the hearing documentation. A ruling on the appeal shall be returned within 20 working days.

**62080.19        Revisions**

The Assistant Deputy Director, Institution Operations, or designee shall ensure that the content of this section is current.

**62080.20        References**

CCR § 3379.

PC §§ 2684, 2690, 2962, 2911, 5058, 5054, 5068, 5080, 1170, and 11191.

Whitaker v. Rushen, No. C-81-32-84 SAW.

## ARTICLE 13 — BPT

*Revised October 31, 1990*

### **62090.1 Policy**

PC 3040 provides that the BPT shall have the power to allow prisoners imprisoned in the state prisons, to go upon parole, outside the prison walls and enclosures, pursuant to PC 1168(b).

### **62090.2 Purpose**

This section establishes standard procedure for conducting required BPT hearings and preparation of the institutional BPT evaluation reports.

### **62090.3 Importance of Board Hearings**

One of the most important times during incarceration for certain inmates and parole violators is their appearance before the BPT. All life sentence prisoners must appear before the BPT to be considered for parole. Those inmates sentenced under the Indeterminate Sentence Law (ISL) or sentenced prior to 1985 to a term of one year and one day appear before the Board that provides them an opportunity for parole consideration. Inmates sentenced to one year and one day for offenses occurring after January 1, 1985 do not appear before the BPT.

The BPT rules are set forth in CCR (15) (2) and in Administrative Directives issued by the BPT.

### **62090.4 Board Personnel**

The BPT is a policy making body of nine commissioners appointed by the Governor for a term of four years. Deputy commissioners are civil service employees who assist the BPT in conducting hearings.

### **62090.5 Types of Board Hearings**

Life prisoner hearings:

- Documentation Hearing.
- Initial Parole Consideration Hearing.
- Subsequent Parole Consideration Hearing.
- Progress Hearing.
- Rescission Hearing.

Non-life Prisoner hearings [PC 1168(b)]:

- Parole Consideration Hearing.
- Rescission hearing.
- Extended Term Hearing, [PC 1170.2(b)].
- Mentally Disordered Offender Hearing, (PC 2960-2962).

Parole violator hearings:

- Revocation Hearing.
- Parole Revocation Extension Hearing.

#### **62090.5.1 Life Prisoner Hearings**

The following are the different types of hearings for life prisoners.

##### **62090.5.1.1 Documentation Hearing**

Inmates committed for first or second degree murders that occurred on or after November 8, 1978 and inmates committed pursuant to PC 667.51, 667.7 and 217.1 shall have a hearing prior to their minimum eligible parole date.

The Documentation Hearing is conducted by one Deputy Commissioner. The purpose of this hearing shall be to monitor and document the institutional adjustment of each life prisoner. The inmate's counselor shall complete a Life Prisoner Post-conviction Progress Report which covers the period of time from the inmate's reception into CDC, or from the date the life term began, whichever is latter, to the hearing, if it is the first documentation hearing, or for the period from the last documentation hearing for which a Post-conviction Progress Report was prepared to the present hearing.

The first documentation hearing shall be scheduled during the 36th month after the life term starts. Subsequent documentation hearings shall be held at three-year intervals until the Initial Parole Consideration Hearing.

##### **62090.5.1.2 Initial Parole Consideration Hearing**

An Initial Parole Consideration Hearing is conducted by a panel of three, of which at least two are BPT Commissioners. This hearing may include an attorney representing the inmate, a DA representing the county in which the crime occurred, and the victim or next of kin representing a victim. The purpose is to consider the inmate's suitability for parole and, if suitable, establish a term. The hearing is scheduled 13 months before the inmate's minimum eligible parole date (MEPD). A Post-conviction Progress Report and a Life Prisoner Evaluation Report shall be completed by the inmate's counselor for use in the hearing.

##### **62090.5.1.3 Subsequent Parole Consideration Hearing(s)**

A Subsequent Parole Consideration Hearing is held for those inmates previously found unsuitable for parole and conducted for the same purpose and in the same manner as an Initial Hearing. As with the Initial Parole Consideration Hearing, the Subsequent Hearing is conducted by a panel of three, at least two of which are BPT Commissioners. It is scheduled one to three years after the hearing in which an inmate was found unsuitable for parole. An abbreviated Life Prisoner Evaluation Report shall be prepared for this hearing if the most recent previous hearing was conducted with the use of a complete Life Prisoner Evaluation Report. Abbreviated Evaluation Reports are not to be used in consecutive hearings. An updated Post-conviction Progress Report covering factors since the last Board appearance shall also be prepared.

#### **62090.5.1.4 Progress Hearing**

A Progress Hearing is held for life prisoners with parole dates to consider their institutional adjustment since the previous hearing. This hearing is conducted by a panel of three, at least two of which are BPT Commissioners. The purpose is to grant post-conviction credit. A Post-conviction Progress Report covering factors since the last Board appearance shall be prepared. Psychiatric evaluations are not prepared for Progress Hearings unless requested by the BPT.

#### **62090.5.1.5 Rescission Hearing**

A Rescission Hearing is held to consider if there is good cause to rescind or postpone a life prisoner's parole date for disciplinary, psychiatric or other specific reasons. No Board report is required.

#### **62090.5.2 Non-Life Prisoner Hearing**

The following are the different types of Non-Life Prisoner Hearings.

##### **62090.5.2.1 ISL Parole Consideration Hearing**

An Indeterminate Sentence Law (ISL) Parole Consideration Hearing is held for certain inmates who committed crimes prior to July, 1977 and had Determinate Sentence Law (DSL) dates retrocalculated. The purpose of this hearing is to provide these inmates with an opportunity to be considered for release under the ISL that may result in a lesser term than the DSL provides. It is scheduled a month before the inmate's MEPD and annually thereafter for inmates denied a parole date in the previous hearing.

##### **62090.5.2.2 PC 1168(b) Hearing**

A PC 1168(b) Hearing is scheduled within 60 days after reception of inmates sentenced to a term not exceeding one year and one day under the ISL or under the same provision in the DSL. The purpose of this hearing is to set a term within the one year and one day range. No Board report is required if the inmate's hearing is within four months of reception.

##### **62090.5.2.3 ISL Rescission Hearing**

A Rescission Hearing is held to consider if good cause exists to rescind an ISL parole date for disciplinary, psychiatric or other reasons. No Board report is required.

##### **62090.5.2.4 Extended Term Hearing**

An Extended Term Hearing is held to consider an extension of the DSL retrocalculated term in selected ISL cases. This hearing is scheduled within 120 days after the inmate's reception by the department or after receipt of an amended Abstract of Judgment. The decision to schedule a hearing is made by the BPT. Such hearing is conducted by a panel of three; at least two of which are commissioners. No Board report is required.

##### **62090.5.2.5 Mentally Disordered Offender Hearings**

A Mentally Disordered Offender Hearing is held to determine if good cause exists to require that an inmate be subject to mandatory in-patient treatment while on parole. PC 2962 and BPT 2570 et seq. identify the criteria leading to such consideration and the process governing such placement. This hearing is conducted by a panel of two Deputy Commissioners. No counselor generated Board reports are required.

#### **62090.5.3 Parole Violator Hearing**

A Parole Violator Hearing is held to consider if good cause exists to revoke a parolee's parole and return them to custody. These hearings are held at the local jail or at a parole violator processing facility within 45 days of arrest. Some parolees may be returned to prison before the hearing, as in the case of parolees with a severe mental illness, persons in overcrowded local facilities, or out-of-state absconders. Only the parole violation report and supporting documents are necessary.

##### **62090.5.3.1 Parole Revocation Extension Hearing**

A Parole Revocation Extension Hearing may be held to consider if good cause exists to extend the parole revocation period of a prisoner for in-custody misconduct. No counselor generated Board report is required. Charging document and supporting reports must be presented.

#### **62090.6 Procedural Arrangements**

The C&PR is responsible for careful and detailed preparation of the hearing process so the Board can devote full attention to the consideration of each case.

##### **62090.6.1 Hearing Room**

Hearing rooms shall give the appearance of dignity and decorum. When not scheduled for Board hearings, the rooms shall only be used for purposes that will maintain their hearing room value, such as, conferences, oral interviews or classification committee meetings.

At hearings, necessary supplies such as paper tablets, sharpened pencils, proper forms, a copy of the current Penal Code and BPT Rules, a listing of the institution's available programs, and cold drinking water shall be provided. All tape recording equipment shall be checked to ensure good working condition during the hearing.

##### **62090.6.2 Scheduling**

Inmates shall be scheduled in a timely manner. The Board shall be informed in advance of any changes in the schedule.

##### **62090.6.3 Case Files**

All case files shall be complete and consistent, including hearing packets for panel members and attorneys. All case files of life prisoners to appear during the week shall be available.

##### **62090.6.4 Visitors to BPT Hearings**

Visitors, observers, and victims or victims' next of kin may attend individual case hearings if prior permission has been obtained from any person assigned to the subject hearing panel, the chairman, or the executive officer, BPT. Visitors and observers may not participate in the hearing except as permitted by law.

##### **BPT Notification to Facility**

BPT staff shall advise the C&PR of the institution to be visited of any BPT authorized visitors for any specific date. The C&PR shall provide a written notice to the visitor entrance gate of any anticipated, authorized visitors to the BPT hearings.



#### **62090.6.4.1 Victim or Victim Representative**

Victims or the next of kin of the victim if the victim has died have a right by law to appear before the BPT in person or by counsel and provide their views on the potential parole of the inmate convicted of the crime. Victims/next of kin/counsel shall be notified of the BPT hearing at least 30 days prior to the hearing. When the BPT has authorized the visit, the C&PR will be notified.

Victims shall be processed into the facility in the same way all visitors are allowed entry. No recording device or camera equipment is allowed. The facility shall provide escort to the Boardroom area, remain in the area during the time the witness or designated representative is not in the hearing, and escort the witness from the facility security area.

#### **62090.6.5 Media/Television Coverage of BPT Hearings**

CCR (15) (2) 2031 covers media representation at hearings, and CCR (15) (2) 2032 covers television and radio coverage of BPT hearings. No television coverage shall occur without approval of the Warden.

BPT staff shall coordinate these activities with the affected institution's Warden. The PIO shall provide written notice to the entrance building of authorized media, TV and radio personnel as well as any approved equipment.

Media personnel shall be escorted to and from the BPT hearings by custodial staff.

#### **62090.6.6 Custodial Coverage of BPT Hearings**

BPT hearings shall be provided custodial coverage. One officer shall be assigned to BPT coverage for the duration of the scheduled hearings. When security needs require additional staff, determined by the Warden or their designate, they shall be assigned.

- Custodial staff assigned to BPT coverage shall wear Class A uniforms.
- Custodial staff providing BPT coverage shall carry handcuffs, handcuff key, and a personal alarm device and have immediate access to a set of waist chains. Other necessary equipment may be utilized if approved by the Warden.

##### **Duties of Coverage Officer**

The assigned officer shall secure safety equipment and report to the BPT hearing area in sufficient time to:

- Perform a security inspection of the board room(s) and adjacent areas.
- Process the first scheduled inmate into the board waiting area at least 15 minutes prior to the starting time of the hearing.

Only inmates scheduled for BPT hearings shall be allowed in the boardrooms or affected areas.

- Each inmate shall remain under the direct supervision of custodial staff. The BPT coverage officer shall be physically present in the hearing room unless specifically directed otherwise by BPT commissioners.
- Each inmate shall be given a clothed body search each time the inmate enters or departs the BPT hearing room.
- Inmates may bring into the BPT area or hearing room only material absolutely essential to their hearing. This material shall be inspected (not read) each time the inmate enters or departs the hearing room.

When security requirements dictate special security precautions, the BPT commissioners shall be advised prior to the hearing.

#### **62090.6.7 BPT Parking Areas**

BPT staff shall be provided designated parking spaces in the employee parking lot. On scheduled BPT hearing days, institution staff shall ensure that the designated spaces are available to BPT staff.

#### **62090.6.8 BPT Staff Processing Into Facility**

BPT staff shall be processed through the facility staff entrance building in the same procedure used for institution staff.

- Personal effects shall not be searched, however, briefcases, etc., shall be inspected.
- Positive identification is required.
- BPT staff shall sign the visitor register upon entering and leaving the institution.
- Escorts for BPT staff are not required.

#### **62090.7 C&PR**

Each institution's C&PR office is responsible for the preparation, coordination and follow-up for all Board hearings and related matters.

The C&PRs shall schedule their time during Board hearings to ensure full availability to meet Board needs.

When the Board recommends that an inmate be involved in vocational, educational, other upgrading programs, or that an inmate be transferred to another institution for diagnosis and/or evaluation for treatment, the C&PR shall follow-up as required.

#### **62090.8 Institutional Board Reports and Preparations**

Institutional Board reports are the responsibility of Correctional Counselors utilizing the formats described in this section. Board reports shall be completed in a thorough, concise and timely manner. Counselors may attend Board hearings as a learning process or if requested by an inmate, but are not expected to attend all hearings.

Non-Correctional Counselor staff may prepare reports under the close guidance of a supervising counselor. The completed Board report shall be signed by the non-Correctional Counselor employee and countersigned by the counselor or captain overseeing the work after the administrator has reviewed the report to ensure its validity and completeness.

Before preparing a summary evaluation for the Board, the entire C-File and other pertinent files, such as the medical or psychiatric file, shall be reviewed. Any erroneous data shall be corrected. Source documents required by the Board or considered important for the Board's attention shall be removed, reviewed, have important content underlined, and be routed with the Board report to the C&PR.

#### **62090.9 Inmate Copy of Board Reports**

Prior to a scheduled appearance, the inmate shall be given a copy of all non-confidential portions of any report prepared for the Board.

Inmates shall be afforded an opportunity to discuss any aspect of the report they question with the counselor. If an issue is not resolved, it shall be clearly identified and efforts made to resolve it shall be noted. Such differences shall be documented in an addendum report to the Board, a copy of which shall also be sent to the inmate. The inmate may also prepare a statement regarding their disagreement with the report that shall become part of the material presented to the Board.

#### **62090.10 Use of Reports**

A Post-conviction Progress Report shall be utilized for Documentation, Initial, Subsequent, and Progress Hearings.

A Life Prisoner Evaluation Report shall be utilized for Initial and alternate Subsequent Hearings. Abbreviated Life Prisoner Evaluation Reports will be used for alternate Subsequent Parole Consideration Hearings.

For non-life ISL prisoner hearings, the old format BPT Hearing Report shall be used.

#### **62090.11 Life Prisoners Two-Part Format**

For all Life Parole Consideration hearings, a two-part format shall be used.

##### **62090.11.1 Post-conviction Progress Report**

A simple year-by-year outline of the inmate's adjustment shall be prepared to reflect 12-month increments (i.e., 6/79 to 6/80 or 5/80 to 5/81) covering the period from the date term began or from the date of reception, whichever is latter to the present. Post-conviction Progress reports prepared for Subsequent Hearings will reflect behavior in 12-month increments covering the period of time since the most recent post-convictions progress report was prepared. It shall include prison placement, custody level (explain reason for any increased custody or specialized housing such as MAX, PHU, and SHU), work/training/program assignments, grades achieved, disciplinary violations, adverse or laudatory chronos, and any other significant events. Ensure that dates are noted, including the beginning and ending dates of programs.

Telegraphic writing style shall be used, as the emphasis is upon brevity, accuracy and clarity. Any previous hearing reports shall be retained, compiled and reused so that only a brief report to update the inmate's adjustment since the last report is necessary.

##### **62090.11.2 Life Prisoner Evaluation Report**

A comprehensive evaluation of the life prisoner's past pattern of criminal behavior and changes while in prison shall be prepared for Parole Consideration Hearings. The report is divided into commitment factors, pre-conviction factors, post-conviction factors, and parole plans.

A thorough study of the C-file, staff observations and an interview with the inmate shall be accomplished to complete the report.

The report's format provides a comprehensive evaluation for the Initial Parole Consideration Hearing and shall be retained for use at all Subsequent Parole Consideration Hearings.

##### **62090.11.2.1 Extenuating Factors**

The following shall be judiciously considered and incorporated within the report when completing life prisoner evaluation reports.

##### **62090.11.2.1.1 Aggravating Circumstances**

The crime involved some factors described in BPT Rule 2403(b) or (c), as appropriate, in a category higher on either axis than the categories chosen as most closely related to the crime.

- The victim was particularly vulnerable due to age, physical or mental condition.
- The inmate occupied a position of leadership or dominance over other participants in commission of the crime, or they induced others to participate.
- The inmate had a history of criminal behavior for which the term is not being enhanced under BPT Rule 2286.
- During the commission of the crime the inmate had a clear opportunity to cease but instead continued.
- The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which they are currently committed.
- The inmate had a special relationship of trust with the victim, such as that of employee-employer.
- The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime.
- The inmate was on probation, parole, in custody or had escaped from custody at the time the crime was committed.
- Specific circumstances in aggravation of first degree murder (PC 187):
  - The murder was wanton and apparently senseless in that it was committed after another crime occurred and served no purpose in completing that crime.
  - The corpse was abused, mutilated or defiled.
  - The inmate went to great length to hide the body or avoid detection.
  - The murder was committed to prevent the testimony of potential or actual witnesses at a trial or investigation.
  - The murder was committed to prevent discovery of another crime.
  - The murder was committed by a destructive device or explosive.
  - There were multiple victims for which the term is not being enhanced under BPT Rule 2286.
- Specific circumstances in aggravation of kidnapping for robbery or ransom (PC 209).
  - The incident involved multiple victims.
  - The property/ransom which the inmate had taken or attempted to take was valued at \$25,000 or more.
  - The kidnapping posed a threat to the public order, such as where the victim was a public official.

##### **62090.11.2.1.2 Mitigating Circumstances**

The crime involved some factors described in the approximate matrix in a category lower on either axis than the categories chosen as most closely related to the crime.

- The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense.
- The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission.
- The inmate tried to help the victim, sought aid after the commission of the crime or tried to dissuade a crime partner from committing other offenses.
- The inmate has a minimal or no history of criminal behavior.
- The inmate was a passive participant or played a minor role in the commission of the crime.
- The crime was committed during or due to an unusual situation unlikely to recur.
- The crime was committed during a brief period of extreme mental or emotional trauma.

### **62090.11.3 Non-Life Prisoner Evaluation Format**

The format described below shall be used for non-life prisoner hearings.

Purpose of hearing. Specify in capital letters the type of hearing:

- ISL INITIAL PAROLE HEARING.
- ISL SUBSEQUENT PAROLE HEARING.

#### **Custody**

Institutional history. Reflect past and present custodies, and their duration in months. Explain the reason for any increased custody specialized housing such as SHUs or PHUs.

#### **Transfers**

Summarize any transfers during the reported period or since the inmate's reception, recording the most recent transfers first and indicating the reason for the transfers.

#### **Program Record**

Program record. (Omit sections that are not applicable.)

- Academic education. State the education level at reception. Evaluate ability to learn (IQ), and chronologically summarize academic achievements and motivation, as reported by the Education Department, since the inmate's reception.
- Vocational instruction. Chronologically summarize all past and current training being received and achievements. Note past and anticipated dates of completion. If terminated without completing a course, summarize the reasons.
- Work. Chronologically list all past and current work assignments, noting duration and work habits. Evaluate their total work pattern.
- Self-help programs. Chronologically list participation in group activities for the period of time addressed in the report, such as group counseling, Alcoholics Anonymous and/or Narcotics Anonymous. This section should also include athletic participation, hobby, Inmate Advisory Council or any inmate documentable activity.
- Programs recommended by BPT. Chronologically list the program categories recommended and the degree of participation or reasons for noncompliance. List the current participation first.

#### **Inmate Resources**

Inmate resources and plans for release.

- Marital status/child support. Summarize present family situation such as married, single, common-law, or divorced. Report status of any marriage intent or returning to a marriage upon release. List obligations to pay family support in dollar amount, name of county and address of agency to receive payments.
- Employment. List job offers if the inmate has job commitments. Include employment address, phone number, type of work and proposed salary. If there are no job offers, the inmate's desires shall be noted. Indicate the relationship between the inmate's intent for employment and institutional work and vocational training.
- Other community resources. Indicate prior union membership, status of driving privileges, if driver's license is valid, and special employment needs, such as tools or clothes.
- Residence. List current county of commitment resources. Indicate name, address, and location of prospective residence upon release. If placement is to be with relatives or friends, review significant attitudes and reasons for this placement. List all phone numbers, directions to the address if in a rural area or a P.O. Box number. Indicate if the inmate will need assistance from the Parole Agent and note any financial resources the inmate may have to aid this placement.
- Alternative County of Parole. If inmate has alternative to county of commitment plans, list them in order of residence, with whom and relationship, any job offers, special needs to complete parole.

#### **Counselor Evaluation**

Counselor evaluation. (Analysis and professional judgment.)

- Attitude toward offense. Outline the commitment offense and the inmate's present attitude towards it. Note if the inmate's attitude is the same as when received or if it has changed. The inmate shall not be required to admit guilt or discuss factors if they choose not to.
- Institutional adjustment. Describe the inmate's overall behavior pattern in prison, effects of prison on their personality, and their rapport with staff and peers. Describe significant medical or emotional problems and treatment.
- Prognosis. Indicate if the inmate understands or foresees any problems they will face and if the inmate's release plans are realistic. Note if the inmate has developed social skills to cope with the stresses of society. Advise the Parole Agent of problem areas and positive traits. Provide a balanced opinion of readiness for release, being careful not to make a recommendation.

- Technical data. Indicate any holds or notices (agency and reasons). Current status of crime partner, including last Board action on crime partner if presently incarcerated. If enemy or gang affiliation exists, refer to the confidential folder if appropriate. Include any other significant information not covered above.
- Addenda. A chronological list of disciplinary reports shall be compiled and attached to the report. If a disciplinary violation occurs a day to two before the Board hearing, custodial staff shall provide the records office with a brief statement of the incident and an estimate of when the disciplinary process shall be completed.

#### **62090.12 ISL Prisoner Progress Hearing**

Progress Hearings are held to determine if a previously set parole date should be advanced because of the inmate's conduct. Parole dates may be advanced, but cannot be extended without a separate rescission hearing.

The Post-conviction Progress Hearing Report shall cover institutional history only from the date of the last Board hearing. Each progress report shall be a supplement to the report for the hearing in which parole was granted.

The Parole Consideration Hearing Report that was prepared for the hearing at which parole was granted and all progress reports shall become part of the permanent case summary.

#### **62090.13 Psychiatric Evaluations Life Prisoners**

The BPT requires a full psychiatric evaluation of life prisoners for all first Documentation, Initial and Subsequent Parole Consideration Hearings. An evaluation is also required for any Rescission Hearing based on psychiatric problems or assaultive/sexual behavior. Inmates shall be retained on psychiatric referral status unless specifically removed by a BPT panel.

Cases recommended to category X [explained in DOM 62080] shall be calendared to appear no sooner than in one year unless the panel specifically instructs that the inmate be calendared upon completion of the evaluation. Those inmates who refuse to participate in a BPT ordered evaluation shall be retained on psychiatric referral status and calendared on the scheduled calendar.

Psychiatric Evaluation Reports shall be completed and distributed to the inmate, the inmate's attorney and the DA at least 15 days before the hearing.

##### **62090.13.1 Psychiatric Report Preparation**

Brevity with accuracy and clarity is the standard for this report. A more detailed evaluation may be written and attached as an addendum to the report if the psychiatrist/psychologist determines it necessary.

Lay terminology and explanations of technical terms and diagnoses shall be used where possible. These reports become part of a legal record that may be used by many laymen, including the inmate. Accordingly, the report should not contain psychodynamic speculations or other material that may be easily misinterpreted. Information of value to the psychiatrist shall be explained in laymen's terms to avoid misunderstandings.

Detailed repetition of information that is available elsewhere in the inmate's C-File shall be avoided.

Previous psychiatric reports shall be retained in the case summary for reference. If the previous report is virtually the same as the current one, do not rewrite the entire report. Indicate that the case has been reviewed, there is no significant psychiatric change and the previous report is still accurate.

After the report has been written, any new developments in the case shall be reported on CDC Form 128-C, Medical - Psychiatric - Dental chrono; and sent to the C&PR for inclusion with the psychiatric evaluation.

##### **62090.13.2 Psychiatric Report Format**

Indicate in the first paragraph if this is the first, second, etc., report to the Board on this inmate, or if it is an addendum (less than nine months since the last evaluation).

Indicate in the second paragraph the frequency of contact with the inmate, such as if they are under treatment and how long, or if it is a single contact for this report only. For the first report only, note any pertinent previous psychiatric history with a short digest of essential conclusions and treatment. Briefly summarize the inmate's current development and progress, avoiding repetition of information available elsewhere in the inmate's C-File or in previous evaluations.

Briefly delineate, in the third paragraph, the present psychopathology supporting the diagnosis and prognosis which follow. Any previously reported psychiatric conclusion(s) shall be re-evaluated. Causative factors, self-understanding, attitudes, motivation for change, emotional stability, social identification, sincerity, and rehabilitation shall be commented on. A neurophysiological appraisal must be included if organicity is present. If drugs are being used for treatment, include the observed impact on the inmate's current condition.

The fourth paragraph shall indicate the psychiatric diagnosis(es) using standard nomenclature followed by lay term explanation, as necessary.

##### **Psychiatric Conclusions**

The fifth paragraph shall include the evaluator's best estimate of the inmate, based on psychiatric reasoning (not legal or administrative) in the following manner:

- Be sure to note the reasons wherever possible.
- Note the relationship of the diagnosed psychopathology to the criminal behavior.

##### **General Conclusions**

During observation in the institution, the inmate has:

- Psychiatrically improved slightly, moderately, or greatly.
- Psychiatrically deteriorated slightly, moderately, or greatly.
- Psychiatrically has shown no significant change.

No conclusions can be drawn because of insufficient time and observation by the reporter.

In a less controlled setting, such as return to the community, the inmate is:

- Considered likely to continue improvement.
- Considered likely to hold present gains.

- Considered in all probability to deteriorate because of (list reasons).

In all cases of pedophilia and some other cases of unusually specific or direct relationship between psychopathology and crime, add the following:

- Considered mentally (un)able to refrain from repetition of their offensive behavior.

### **Suggested Actions**

(Include only if applicable.) From a psychiatric standpoint, the inmate should:

- Be continued in present rehabilitation program as continued benefit is likely. Note the recommended specific treatment prescription.
- Be removed from special calendar because psychopathology is not significantly related to future criminal behavior and psychiatric opinion will not contribute to release decision.

When two or more favorable psychiatric reports with similar conclusions for release have been written, in the case of more difficult judgments, these reports must have been written by more than one examiner or reviewed by a psychiatric council.

When there have been repeated unfavorable psychiatric reports describing a stable mental condition which cannot be expected to change, the conditions under which parole would be possible or become possible must be spelled out. For example, in some cases, parole might be possible only to a supervised domicile program including psychiatric care. In recommending removal from psychiatric calendar because of repeated unfavorable reports, it must be recognized that release is prohibited and therefore, those changes that would make release possible should be indicated so that the Board will request re-evaluation when such changes do occur.

When the inmate should be considered for transfer to DMH under PC 2684 or DMH inpatient/day treatment at CMF, and it is anticipated that such treatment may result in the inmate being able to return to society; DMH, (if it accepts the transfer) will retain such inmates only as long as it is of benefit to the inmate.

### **Parole and Release**

If the inmate is to be paroled or released, consideration should be given to the following:

- Violence potential outside a controlled setting in the past is considered to have been less than average, average, or greater than average and at present, is estimated to be decreased, increased, or the same. In this context, violence potential is equated with inflicting physical harm on others or great emotional harm, as by creating fear. Average violence potential is interpreted to mean the violence potential possessed by the average inmate.
- Conditions of parole should include inpatient treatment, outpatient clinic, halfway house, no alcohol or other special attention/supervision needs as indicated.
- If outpatient clinic is recommended, indicate if:
  - Mandatory for parole from institution.
  - Necessary as soon as possible after parole.
  - Merely desirable if available.

Inmates convicted of PC 273A, Willful Cruelty Toward Child/Endangering Life, Limb or Health and PC 273D, Inflicting Corporal Punishment Upon Child Resulting in Traumatic Injury, shall have a psychiatric evaluation to determine the extent of counseling which may be mandated as a condition of parole per PC 3002.

Applicable cases shall be referred for an evaluation in sufficient time to enable the report to be completed and included with the Release Program Study (CDC Form 611), which is referred to the P&CSD.

Drug therapy should be continued while the inmate is on parole. They should receive (name drug), in a dosage (amount), (number) times a day.

Recommendations to the classification committee (prior to release):

- Indicate what the Post Board Classification Committee should do with the inmate if the inmate is denied parole.
- If a parole date is set, indicate any recommendation(s) pertinent to the period remaining in the institution before parole such as:
  - A further psychiatric evaluation should be completed just prior to release.
  - Indicate the reasoning for all recommendations.

### **62090.14 Preparation of Clinical Reports by Counselors**

There may be occasions when large numbers of psychiatric referrals and limited psychiatric staff may require that qualified CC-IIs prepare clinical reports, in lieu of psychiatric evaluations, for selected cases and under supervision of a Board certified psychiatrist or licensed psychologist.

The format for psychiatric evaluations shall be used by the counselor except the title of these reports shall be changed to "clinical evaluation". Those areas of the format that call for psychiatric diagnosis and psychiatric conclusions shall be changed to indicate personality description and conclusion(s).

Counselors shall not prepare nor sign as its originator any report/evaluation that implies by its title or description that it was prepared by a psychiatrist or psychologist.

A psychiatrist/psychologist shall not sign as their own report, a report bearing a psychiatric title or description which was prepared by a counselor, without having personally interviewed the inmate.

#### **62090.14.1 Procedures**

PC 5068 sets forth the basis for the above directives. To this end, the following procedures are established:

- When existing staff or consulting psychologists or psychiatrists can adequately handle the evaluation workload, counselors shall not prepare clinical evaluations in lieu of the psychiatric evaluations.
- Counselors who are to prepare clinical evaluations shall be selected on the basis of their:
  - Special interest in this type of work.
  - Having two years of graduate training and experience in the treatment or evaluation of emotionally disturbed individuals. If the two years of training is primarily academic, supervised field work is highly desired.

- Where appropriate, a psychiatric council shall be established to review such evaluations prepared by counselors.
- The council shall be composed of the institution's chief or program psychiatrist/consulting psychiatrist (chairperson), a clinical psychologist, a captain or CC-III and the counselor who prepared the evaluation.
- Custodial personnel who are familiar with the inmate's behavior and attitude may also be included on the council.
- The psychiatric council has final responsibility for the accuracy and quality of the report.
- If the report is accepted, it shall list the names of the council and be signed by the council's psychiatrist.

#### **Supplemental Findings**

- If the council determines there are supplemental findings or recommendations, they shall be added below the counselor's signature and endorsed by the council, as above.
- If there is a difference in the findings of the counselor and the council, the council shall set forth the reasons for their difference of opinion before endorsing the counselor's report.
- The report shall retain the clinical evaluation title unless the psychiatrist personally interviews the inmate.
- After the inmate has been interviewed, the report may be retitled a psychiatric evaluation and signed by the psychiatrist or psychologist.
- The council shall make every effort to interview the inmate when the report is reviewed. Every effort shall be made to maximize the number of inmate interviews to ensure these evaluations reflect the observations of our most highly trained professional personnel.
- Graduate students working towards a doctorate degree in psychology and CC-IIs who are working towards becoming qualified to prepare clinical evaluations for the Board, may prepare such reports under the direct supervision of a licensed staff psychologist or a Board certified psychiatrist.
- Evaluations prepared by students and trainees shall be signed by the student/trainee.
- The evaluation shall be approved and endorsed by a staff psychologist, psychiatrist or the psychiatric council.

#### **62090.15 Revisions**

The Deputy Director, Institutions, or designee shall ensure that the content of this section is current.

#### **62090.16 References**

PC §§ 3040, 3041, 5058, and 1168(b).

CCR (15) (2).

**ARTICLE 14 — RESERVED**

## ARTICLE 15 — CORRECTIONAL INSTITUTION DESCRIPTION

*Revised October 20, 1999*

### **62110.1 Policy**

It is the primary mission of each institution to provide secure housing and supervision for inmates committed to the Department.

### **62110.2 Purpose**

The purpose of this section is to describe the security, custody, academic, vocational, industrial, and other programs at each institution for the placement of inmates.

### **62110.3 Responsibility**

Each Warden, or their designee shall update the institution's description annually.

*Note:* See Appendix for institution's descriptions.



**ARTICLE 16 — RESERVED**

## ARTICLE 17 — SEXUALLY VIOLENT PREDATORS

### 62130.1 Policy

In accordance with W&IC 6600 et seq., the CDC provides a systematic method in the identification, screening, referral, and tracking of potential Sexually Violent Predators (SVP).

### 62130.2 Purpose

The purpose of the SVP law is to provide an additional level of protection to the community from individuals who, based on their social, criminal, and institutional history, are deemed dangerous and predisposed to engage in sexually violent predatory behavior, if released from prison without treatment.

### 62130.3 Sexually Violent Predator (SVP)

The SVP includes the following elements:

- Is in custody under the jurisdiction of the CDC.
- Received a determinate sentence.
- Convicted of a sexually violent offense against two or more victims.
- Has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.
- Receives a civil commitment to the State Department of Mental Health (DMH).

The SVP qualifying offenses are identified in W&IC 6600, and DOM 62130.8.

### 62130.4 Classification Services Unit Role

The CSU shall ensure departmental coordination, compliance, and standardization of SVP processes. The CSU performs the following tasks:

- Resolves conflicts.
- Raises concerns for resolution.
- Prepares legislative reviews.
- Provides a computer listing of inmates and parolees in revoked status to each Warden and C&PR/CC III, at least nine months prior to the scheduled release dates. (This list is generated from the Offender Based Information System of inmates subject to registration as sex offenders pursuant to PC Section 290 list.)
- Maintains SVP database, records, and statistics.
- Forwards cases meeting SVP criteria to DMH for further processing. (For cases where a conclusive determination cannot be made based upon a review of the current C-file and archive file documents, see the "BPT" section below.)
- Forwards a copy of DMH or BPT "No" result upon receipt, for placement in the inmate's central file.
- Coordinates the issuance of State identification cards for DMH Evaluators conducting SVP clinical evaluations.
- Generates teletypes for SVP transfers to Atascadero State Hospital (ASH) or Patton State Hospital (PSH) upon request from the SVP Coordinator at either CMC-E or CIW.
- Provides formal training to CDC staff.
- Serves as the CDC liaison to the following:
  - BPT.
  - The CSU refers cases to BPT in which a final determination cannot be made based upon available information. These are commonly referred to as "MAYBE" cases and consist of any SVP package that does not contain complete and sufficient documentation necessary to address the SVP statutory commitment criteria. Typically, "MAYBE" cases will involve out-of-state and out-of-country sex offense convictions; California convictions of SVP offenses for which supporting documentation is missing or incomplete; juvenile adjudications for SVP under certain circumstances; mentally disordered sex offender commitments to DMH; military and federal convictions for any sex offenses, etc. The BPT shall make the determination whether sex offense convictions outside of California contain the same elements as the qualifying SVP offenses listed in the W&IC. The BPT, upon resolution, shall refer the case back to CDC for further processing.
  - The BPT may conduct Probable Cause Hearings, which may result in the placement of a 45-day hold for completion of the DMH process.
  - After release from CDC, the BPT may conduct Revocation Hearing proceedings for SVP precommitments/commitments who are involved in serious revocable misconduct.
  - DMH.
  - The DMH conducts clinical evaluations of potential SVPs to determine if the inmate has a diagnosed mental disorder which makes the inmate a danger to the health and safety of others, in that it is likely that he or she will engage in sexually violent criminal behavior.
  - The DMH refers individuals meeting SVP criteria to the inmate's county of commitment with a request for petition for a civil commitment.
  - The DMH clinicians shall provide SVP treatment at CDC to individuals who had been placed at ASH or PSH for SVP processes and who subsequently return to CDC as a result of serious misconduct.
  - P&CSD, SVP Parole Coordinator.
  - Regional Parole Agent IIs conduct SVP screening of parolees arrested and charged with violation of parole.
  - C&PRs.

- See subsection following.

#### **62130.5 Classification and Parole Representative or Correctional Counselor III at Reception Centers**

The C&PR or CC III, at a reception center, is responsible for establishing a tracking system to ensure inmates who have been convicted of a PC 290 offense are screened at least nine months prior to release pursuant to W&IC 6600 et seq. The C&PR/CC III is also responsible for:

- Ensuring CCs and designated Correctional Case Records staff have received training in the SVP screening processes.
  - Ensuring the Automated Release Date Tracking System is used at least bimonthly to identify PC 290 cases that require screening.
  - Reviewing and signing the completed CDC Form 7377, Sexually Violent Predator Screening, ensuring the veracity of the information provided and that all supporting documentation is attached.
  - Ensuring "sex related" reports and documents are requested from appropriate agencies and departments upon receipt of an inmate from the reception center for purposes of determining "R" suffix designation.
  - Ensuring additional information is requested from the Archives Unit for "MAYBE" cases.
  - Ensuring inmates with less than six months to release shall be processed within 24 hours of discovery to CSU prior to review of archive documents unless the documents are in the central file.
  - Ensuring attachments of supporting documents are pertinent to the SVP qualifying offense.
  - Ensuring CSU is advised via facsimile of release date changes for "YES" and "MAYBE" cases within 24 hours of the date change.
  - Ensuring CSU is advised via facsimile of transfers of "YES" or "MAYBE" cases within 24 hours of completed transfer.
  - Ensuring CSU is advised via facsimile of inmates who are out to court (OTC) for SVP proceedings within 24 hours of departure.
  - Notifying CSU and the receiving institution of the need for an SVP screening when an inmate who appears on the monthly download has transferred prior to the receipt of the monthly list from CSU.
  - Completing and attaching a CDC Form 1884, Justification Referral Sheet, to the CDC Form 7377, if less than six months are remaining to the scheduled release date.
  - Ensuring the completed CDC Form 7377 and SVP supporting documentation subsequently received are filed on a drop board under the fingerprint card in the legal section of the central file.
  - Notifying CSU upon the placement of a BPT Temporary Hold and again upon the SVP Probable Cause Hearing results.
  - Arranging for DMH evaluators to have access to specified central and medical files. Identify an appropriate location to conduct the file review and to conduct the clinical evaluation of an inmate.
  - Approving review of an inmate's confidential information by a DMH clinician, if that information is germane to the SVP evaluation. Direct DMH evaluators to limit the use of the information so as not to disclose in any later written report, information that is specifically derived from a confidential document. Require a court order to provide a copy of a confidential document.
  - Coordinating with the Transportation Unit and CMC-E, the transfer to ASH via CMC of inmates based on the following determinations:
    - Good cause found by BPT.
    - Court order for housing at ASH.
- Note: Transportation of inmates to ASH shall be expedited in compliance with a court order or BPT determination.
- Providing CMC-E information necessary for receipt of an inmate transferring to ASH via CMC-E.
    - Note: Women SVPs shall be transported to PSH via the CIW.
  - Providing updated PC 3058.6 and 3058.8 notifications to law enforcement agencies and requesting individuals, respectively. Ensuring that the following has been completed:
    - Contact the individual requesting notification pursuant to PC 3058.8 by telephone or other communication the next working day upon release of the inmate if a county, district attorney, court, DMH, or other agency assumes custody of the inmate, if other than originally noticed. The information should include:
      - The receiving agency's name.
      - The agency contact person's name and telephone number, if known, to assist the victim/witness, etc. further.
      - Document the date, time, and staff name of the person providing updated information to the PC 3058.8 requesting individual on the CDC Form 863-A, Confidential Notice of Release. Recommended statement to be included on the CDC Form 863-A, "Requestor notified on date of release to agency."
    - Forwarding the central file to CMC-E or CIW, respectively, regarding an inmate who has reached his/her scheduled release date and is released to another's custody pursuant to W&IC 6600 et seq.

CMC-E's C&PR shall arrange transportation of parolees from ASH to CMC for Revocation Hearing proceedings.

#### **62130.6 Time Constraints**

In the interest of public safety, staff shall adhere to the following time frames:

- Cases shall be screened nine months prior to the scheduled release date, unless inmate is received with less than nine months to release.

If the case is identified with less than nine months remaining to release, the following action shall be taken:

- Cases identified within 30 days of release must be telephoned into CSU with a follow-up facsimile within 24 hours of discovery.
- Cases identified within six months of release must be immediately prepared and sent via overnight mail to CSU for receipt within five working days.

- Cases identified within six to nine months to release should be submitted within 30 days.

A CDC Form 7377 submitted with less than six months remaining to release shall require the following additional attachments:

- A CDC Form 1884.
- A copy of the inmate's CDC Form 112.
- A copy of the judicial action or administrative action that modified the inmate's release date, if applicable.

#### **62130.7 CDC Form 7377**

The completion of the CDC Form 7377 shall not be delegated to a staff member below the level of CC I. The CDC Form 7377 must be prepared neatly, legibly, and accurately.

Detailed instructions for completing the CDC Form 7377 are located on the reverse of the document. Designated staff shall be accountable for accuracy and completed staff work.

The CDC Form 7377 reflects the case review and completion of the form includes, but is not limited to, the following:

- Inmate's name and CDC number.
- Criminal Identification and Information (CI&I) number.
- County of controlling case [listed on the Legal Status Summary (LSS)].
- Type of release/release date.
- Controlling discharge date.
- Selection of one SVP determination.
- Reference documents include: the Abstract of Judgment (AOJ), Felony Information/Complaint, etc.
- Comments on the CDC Form 7377 if any potential reference documents are not available for review.
- The screener's name and date printed legibly.
- "YES" and "MAYBE" determinations require the submission of the CDC Form 7377 and copies of all SVP qualifying supportive documentation, to include:
  - LSS.
  - Institutional Staff Recommendation Summary.
  - Probation Officer's Report (POR).
  - AOJ.
  - Felony Information/Complaint.
  - CI&I.
  - Federal Bureau of Investigation printout.
  - Archive files (sex related).
  - Sex related CDC Form 115s (including disciplinary violations from prior terms).
  - Parole violation charge(s), if charge includes an element of illegal sexual conduct (including prior sex related parole violations).
  - Parole violation(s) and conviction(s) for failure to register pursuant to PC 290.
  - The most recent CDC Form 128-G, Classification Chrono, noting the inmate's classification score and degree of custody.
- Previously processed "YES" cases, also known as "RECYCLED," require a new CDC Form 7377 and a copy of the inmate's parole violation charge(s) to be submitted to CSU.
- "NO" determinations require only a current completed CDC Form 7377 be submitted to CSU.
- CDC Form 7377 distribution:
  - Original to CSU SVP Coordinator.
  - Copy placed in central file.
- Copy to inmate upon request.

#### **62130.8 SVP Penal Code, Statutory Law Qualifying Offenses, And Victim Criteria**

The following statutory criteria are SVP qualifying offenses. Qualifying offenses include, but are not limited to, the following:

- PC 261(a)(2). Rape by Force, Violence, Duress, Menace or Fear of Injury.
- Note: A defined "Rape by Threat" conviction regardless of the PC Section is an SVP qualifying offense.
- PC 262(a)(1). Rape of Spouse by Force, Violence, Duress, Menace, Fear, etc.
- PC 264.1. Rape or Penetration of Genital or Anal Openings by Foreign Object in Concert by Force or Violence.
- PC 286. Sodomy (all subdivisions).
- PC 288(a). Lewd or Lascivious Acts with a Child Under 14.
- PC 288(b). Lewd Acts with a Child Under 14 by Force, Violence, Duress, Menace or Fear of Injury.
- PC 288a. Oral Copulation (all Subdivisions).

- PC 289(a). Penetration of Genital or Anal Openings by Foreign Object by Force, Violence, Duress, Menace or Fear of Injury.
- Convictions prior to July 1, 1977 for an offense described in any of the previously delineated PC sections (even if the PC section is different, i.e., Rape by Threat).
- Conviction(s) (sex related or not) (misdemeanor or felony) resulting in a Mentally Disordered Sex Offender designation, including dispositions resulting in State hospital placement, mental health treatment, credit for time served, county jail, probation, unknown disposition, etc.
- Not Guilty by Reason of Insanity findings that involved a qualifying offense.
- Qualifying convictions dismissed, expunged or voided due to receipt of a Certificate of Rehabilitation pursuant to PC 1203.4.
- Out-of-state and out-of-country conviction(s) of any sex offenses.
- Conviction(s) by a military or federal court of any sex offenses.
- PC qualifying offenses regardless of the degree of force, violence, duress, menace, or fear of injury indicated within the POR or court documents.

Victimization criteria: Convicted count(s) involving at least two different victims, other than biological children of the inmate.

#### **62130.9 Institution's Health Care Manager**

The HCM or designee shall complete the required admission information prior to the inmate going OTC for SVP civil commitment proceedings. A copy of this medical admission information form is to be faxed to:

- ASH Transfer Coordinator, at (805) 468-2143.
- PSH (women) Community Forensic Liaison, at (909) 425-0160.

#### **62130.10 California Men's Colony SVP Coordinator**

Upon the arrival of transferring inmates enroute to ASH, the CMC-E SVP Coordinator shall be responsible for:

- Reviewing the confidential section of the central file to ensure that the sending institution documented a subsequent contact with the PC 3058.6 and/or 3058.8 Law Enforcement agency and/or requesting individual(s), respectively, when the inmate/parolee was released to another custody than originally noticed.
- Contacting CSU SVP Coordinator, CC II, at (916) 322-2544 to request a teletype to receive an SVP enroute to ASH or PSH.
- Arranging transport from CMC to ASH.

#### **62130.11 Central File Custody During SVP Processes**

The central file of an inmate who is OTC for SVP processes is subject to standard OTC procedures. Upon the inmate reaching his/her release date, the C&PR shall ensure the central file is forwarded to CMC or CIW, respectively, for custodial care.

#### **62130.12 SVP Release Allowances And Personal Funds**

The paroling institution is responsible for preparing the CDC Form 102, Release Statement, upon the release of an inmate, who has been convicted as an SVP pursuant to W&IC 6604, to ASH via CMC. The paroling institution shall prepare a check for the amount of personal funds reflected on the CDC Form 102 and forward the check and original CDC Form 102 to ASH, Attention: Patients Accounts. The CDC Form 102 shall record the following information:

- The individual was not given the release allowance at the time of parole due to transfer to ASH pursuant to W&IC 6604. Upon release from ASH, the parolee shall be issued the release allowance.
- No deduction for clothing. (Clothing will be provided by DMH.)
- No deduction for transportation costs. (Upon release, the parolee will pay for transportation costs from issued release allowance.)
- The amount of personal funds due and state that the personal funds were forwarded to ASH, Attention: Patients Account.
- The date the individual will leave the paroling institution and the scheduled arrival date at ASH.

In the event an inmate reached his/her parole date while out to court for SVP proceedings and was subsequently transported directly to ASH via the prosecuting county, the P&CSD Agent of Record shall coordinate the receipt of release allowances upon the parolee's release from ASH. If the inmate's controlling discharge date has expired, upon release from ASH, he/she may report to the previously designated Parole Office to request release funds pursuant to DOM 81010 in accordance with PC 2713 and 2713.1

#### **62130.13 Personal Property**

Each institution will process and store the personal property of inmates who are OTC for SVP proceedings in accordance with current procedures.

The personal property of inmates who reach their scheduled release date while OTC for SVP proceedings shall be sent directly to ASH by the inmate's previous institution.

Personal property should be transferred with the inmate when the transfer is within CDC institutions, in accordance with current procedures .

Prior to transfer, the sending institution will ensure the inmate disposes of any unauthorized property in accordance with California Code of Regulations Sections 3190(c) and 3191(c)(1), (2), and (3). The following property is not allowed at ASH and shall be disposed of prior to the inmate's transfer to ASH:

- Razor blades or disposable razors.
- Any item which is corrosive, flammable or explosive.
- All cigarette lighters.
- All products in aerosol containers.
- Radios and/or cassette players equipped with an external telescopic antenna, or that operate by an external electrical power cord, or require a D cell battery or larger.
- Headphones with a metal headband and/or a cord greater than four feet in length.

- Television sets other than solid state LCD three-inch diagonal screen televisions with mirror attached.
- Any electrical appliance which requires a cord to operate.
- Chewing gum, fruits or perishable foods of any type.
- Personal mirrors, including hand mirrors.
- All food products in glass containers, unless factory sealed.
- All caffeinated beverages.

**62130.14 Revisions**

The Deputy Director, Institutions Division, or designee, shall ensure that the contents of this section are accurate and current.

**62130.15 References**

CCR (15)(3) §§ 3190 and 3191.

PC §§ 261, 262, 264.1, 286, 288, 288a, 289, 290, 1203.4, 3058.6, and 3058.8.

W&IC § 6600 et seq.